



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 58 (Cy. 28)

2016 No. 58 (W. 28)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

**Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
Amgylcheddol) (Cymru) 2016**

**The Town and Country Planning
(Environmental Impact Assessment)
(Wales) Regulations 2016**

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn cydgrynhoi gyda diwygiadau ddarpariaethau Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 1999⁽¹⁾ ("Rheoliadau 1999") a'r offerynnau diwygio dilynol. Roedd Rheoliadau 1999 yn cydgrynhoi ac yn diweddarau offerynnau cynharach a oedd yn gweithredu Cyfarwyddeb y Cyngor 1985 ar yr asesiad o effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd⁽²⁾.

These Regulations consolidate with amendments the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999⁽¹⁾ ("the 1999 Regulations") and subsequent amending instruments. The 1999 Regulations consolidated and updated earlier instruments which implemented the 1985 Council Directive on the assessment of the effects of certain public and private projects on the environment⁽²⁾.

Mae Cyfarwyddeb 1985 wedi ei disodli gan Gyfarwyddeb 2011/92/EU Senedd Ewrop a'r Cyngor dyddiedig 13 Rhagfyr 2011 ar yr asesiad o effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd⁽³⁾. Mae Cyfarwyddeb 2011/92/EU wedi ei diwygio gan Gyfarwyddeb yr UE 2014/52/EU⁽⁴⁾.

That 1985 Directive has been replaced by Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment⁽³⁾. Directive 2011/92/EU has been amended by EU Directive 2014/52/EU⁽⁴⁾.

Y prif newidiadau i Reoliadau 1999 yw:

The main changes to the 1999 Regulations are:

-
- (1) O.S. 1999/293.
(2) O.J. Rhif L175, 5.7.1985, t. 40. Diwygiwyd Cyfarwyddeb y Cyngor 85/337/EEC gan Gyfarwyddeb y Cyngor 97/11/EC, O.J. Rhif L 73, 14.3.1997, t. 5; Cyfarwyddeb 2003/35/EC Senedd Ewrop a'r Cyngor, O.J. Rhif L156, 25.6.2003, t. 17; a Chyfarwyddeb 2009/31/EC Senedd Ewrop a'r Cyngor, O.J. Rhif L 140, 5.6.2009, t. 114. Cafodd Cyfarwyddeb 1985 a darpariaethau diwygio y Gyfarwyddeb ddilynol eu codeiddio yng Nghyfarwyddeb 2011/92/EU Senedd Ewrop a'r Cyngor dyddiedig 13 Rhagfyr 2011 ar yr asesiad o effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd, O.J. Rhif L26 28.1.2012, t. 1.
(3) O.J. Rhif L26, 28.1.2012, t. 1.
(4) O.J. Rhif L124, 25.4.2014, t. 1.

-
- (1) S.I. 1999/293.
(2) O.J. No. L175, 5.7.1985, p. 40. Council Directive 85/337/EEC was amended by Council Directive 97/11/EC, O.J. No. L 73, 14.3.1997, p. 5; Directive 2003/35/EC of the European Parliament and of the Council, O.J. No. L156, 25.6.2003, p. 17; and Directive 2009/31/EC of the European Parliament and of the Council, O.J. No. L 140, 5.6.2009, p. 114. The 1985 Directive and the amending provisions of the subsequent Directive were codified in Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, O.J. No. L26, 28.1.2012, p. 1.
(3) O.J. No. L26, 28.1.2012, p. 1.
(4) O.J. No. L124, 25.4.2014, p. 1.

Mae rheoliad 4(5) a (7) yn cyflwyno gofyniad i'r rhesymau dros benderfyniadau sgrinio negyddol gael eu darparu a'u rhoi ar Ran 1 o'r gofrestr, fel eu bod ar gael i'r cyhoedd edrych arnynt.

Mae rheoliad 4(8) yn egluro y caiff unrhyw berson ofyn i Weinidogion Cymru arfer pŵer cyfarwyddo.

Mae rheoliad 8 yn cyfyngu'r gofyniad bod ceisiadau dilynol yn ddarostyngedig i'r broses sgrinio i'r achosion pan fo'r datblygiad dan sylw yn debygol o gael effeithiau sylweddol ar yr amgylchedd nas canfuwyd ar yr adeg y rhoddwyd y caniatâd cynllunio cychwynnol.

Mae rheoliadau 27 i 36(2) yn ddarpariaethau sy'n ymwneud â cheisiadau am ganiatâd cynllunio a wneir yn uniongyrchol i Weinidogion Cymru.

Mae rheoliad 38 yn ei gwneud yn ofynnol i awdurdod cynllunio lleol sy'n bwriadu gwneud gorchymyn datblygu lleol benderfynu a yw'r datblygiad yn ddatblygiad AEA; ac os ydyw, i gymryd camau penodol i'w alluogi i gymryd yr wybodaeth amgylcheddol i ystyriaeth cyn gwneud y gorchymyn.

Mae rheoliad 39 yn gymwys pan fo awdurdod cynllunio lleol neu Weinidogion Cymru yn bwriadu un ai gwneud gorchymyn adran 97 o dan adran 97 neu 100 o Ddeddf Cynllunio Gwlad a Thref 1990, neu orchymyn o dan adran 102 neu 104 o'r Ddeddf honno.

Mae paragraff 21 o Atodlen 1 yn cynnwys safleoedd ar gyfer storio carbon deuocsid yn ddaearegol. Cynhwysir gweithfeydd ar gyfer dal ffrydiau carbon deuocsid at ddibenion storio daearegol er mwyn gweithredu'r gofynion yn y Gyfarwyddeb ynglŷn â Storio Carbon Deuocsid yn Ddaearegol (Cyfarwyddeb 2009/31/EC)(1).

Mae'r Rheoliadau hyn yn codi ac yn diwygio'r trothwyon yn Atodlen 2 lle bydd angen sgrinio mathau penodol o brosiectau datblygu er mwyn penderfynu a yw asesiad o'r effaith amgylcheddol yn ofynnol o dan y Gyfarwyddeb. Gwneir y newidiadau hyn ar ôl ystyried y meini prawf dethol yn Atodiad III i Gyfarwyddeb 2011/92/EU, fel y'i mabwysiadwyd gan Senedd Ewrop a Chyngor yr Undeb Ewropeaidd ar 13 Rhagfyr 2011.

Regulation 4(5) and (7) introduce a requirement for the reasons for negative screening decisions to be provided and placed on Part 1 of the register, to be available for public inspection.

Regulation 4(8) clarifies that any person may ask the Welsh Ministers to exercise the power of direction.

Regulation 8 limits the requirement for subsequent applications to be subject to the screening process to those cases where the development in question is likely to have significant effects on the environment which were not identified at the time that the initial planning permission was granted.

Regulations 27 to 36(2) are provisions relating to applications for planning permission made directly to the Welsh Ministers.

Regulation 38 requires a local planning authority who propose to make a local development order to decide whether development is EIA development; and if it is, to take certain steps to enable them to take the environmental information into consideration before making the order.

Regulation 39 applies when a local planning authority or the Welsh Ministers propose to make either a section 97 order under section 97 or 100 of the Town and Country Planning Act 1990, or an order under section 102 or 104 of that Act.

Paragraph 21 of Schedule 1 includes sites for the geological storage of carbon dioxide. Installations for the capture of carbon dioxide streams for the purposes of geological storage are included in order to implement requirements in the Directive on the Geological Storage of Carbon Dioxide (Directive 2009/31/EC)(1).

These Regulations raise and amend the thresholds in Schedule 2 at which certain types of development project will need to be screened in order to determine whether an environmental impact assessment is required under the Directive. These changes are made having taken into account the selection criteria in Annex III to Directive 2011/92/EU, as adopted by the European Parliament and the Council of the European Union on 13 December 2011.

(1) Cyfarwyddeb 2009/31/EC Senedd Ewrop a'r Cyngor dyddiedig 23 Ebrill 2009 ar storio carbon deuocsid yn ddaearegol ac sy'n diwygio Cyfarwyddeb y Cyngor 85/337/EEC, Cyfarwyddebau 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC Senedd Ewrop a'r Cyngor a Rheoliad (EC) Rhif 1013/2006.

(1) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006.

Codir y trothwy ar gyfer prosiectau datblygu ystadau diwydiannol o ardaloedd mwy na 0.5 hectar i ardaloedd mwy na 5 hectar (ym mharagraff 10(a) o'r tabl ym mharagraff 2 o Atodlen 2).

Yn achos prosiectau datblygu trefol, codir y trothwy presennol o 0.5 hectar a'i ddiwygio fel bod angen sgrinio prosiect—

- os yw'r datblygiad yn cynnwys mwy nag 1 hectar o ddatblygiad nad yw'n ddatblygiad tŷ annedd; neu
- os yw'r datblygiad yn cynnwys mwy na 150 o dai annedd; neu
- os yw ardal y datblygiad yn fwy na 5 hectar (gweler paragraff 10(b) o'r tabl ym mharagraff 2 o Atodlen 2).

Mewnosodir diffiniad o “tŷ annedd” yn rheoliad 2(1) er mwyn ei egluro yn y cyd-destun hwn.

Mae paragraff 13 o'r tabl ym mharagraff 2 o Atodlen 2 yn cynnwys diwygiad i'r darpariaethau sy'n ymwneud â newidiadau neu estyniadau i ddatblygiad presennol, fel bod effeithiau'r datblygiad yn ei gyfanrwydd ar ôl ei addasu yn cael eu hystyried.

Mae asesiad effaith rheoleiddiol wedi ei lunio mewn perthynas â'r Rheoliadau hyn. Gellir cael copïau gan yr Is-adran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac ar y wefan yn <https://www.wales.gov.uk>.

The threshold for industrial estate development projects is raised from areas exceeding 0.5 hectares to areas exceeding 5 hectares (in paragraph 10(a) of the table in paragraph 2 of Schedule 2).

In the case of urban development projects, the existing threshold of 0.5 hectares is raised and amended such that a project needs to be screened if—

- the development includes more than 1 hectare of development which is not dwellinghouse development; or
- the development includes more than 150 dwellinghouses; or
- the area of the development exceeds 5 hectares (see paragraph 10(b) of the table in paragraph 2 of Schedule 2).

A definition of “dwellinghouse” is inserted in regulation 2(1) for clarification in this context.

Paragraph 13 of the table in paragraph 2 of Schedule 2 contains an amendment to the provisions relating to changes or extensions to existing development, so that the effects of the development as a whole once modified are considered.

A regulatory impact assessment has been prepared in relation to these Regulations. Copies may be obtained from Planning Division, The Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the website at <https://www.wales.gov.uk>.

2016 Rhif 58 (Cy. 28)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

Rheoliadau Cynllunio Gwlad a
Thref (Asesu Effeithiau
Amgylcheddol) (Cymru) 2016

Gwnaed 27 Ionawr 2016

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 1 Chwefror 2016

*Yn dod i rym 1 Mawrth 2016 ac eithrio
rheoliad 38, Atodlen 5 ac Atodlen 9,
paragraff 8(3) sy'n dod i rym yn unol â
rheoliad 1*

2016 No. 58 (W. 28)

**TOWN AND COUNTRY
PLANNING, WALES**

The Town and Country Planning
(Environmental Impact Assessment)
(Wales) Regulations 2016

Made 27 January 2016

*Laid before the National Assembly
for Wales* 1 February 2016

*Coming into force 1 March 2016 except for
regulation 38, Schedule 5 and Schedule 9,
paragraph 8(3) which come into force in
accordance with regulation 1*

CYNNWYS

RHAN 1
Cyffredinol

1. Enwi, cychwyn a chymhwyso
2. Dehongli
3. Gwaharddiad ar roi caniatâd cynllunio neu ganiatâd dilynol heb ystyried gwybodaeth amgylcheddol

RHAN 2
Sgrinio

4. Darpariaethau cyffredinol sy'n ymwneud â sgrinio
5. Ceisiadau am farnau sgrinio
6. Ceisiadau am gyfarwyddydau sgrinio gan Weinidogion Cymru

RHAN 3
Gweithdrefnau Ynghylch Ceisiadau am Ganiatâd
Cynllunio

CONTENTS

PART 1
General

1. Title, commencement and application
2. Interpretation
3. Prohibition on granting planning permission or subsequent consent without consideration of environmental information

PART 2
Screening

4. General provisions relating to screening
5. Requests for screening opinions
6. Requests for screening directions of the Welsh Ministers

PART 3
Procedures Concerning Applications for Planning
Permission

7. Ceisiadau pan ymddengys bod barn sgrinio yn ofynnol
8. Ceisiadau dilynol pan ddarparwyd gwybodaeth amgylcheddol yn flaenorol
9. Ceisiadau dilynol pan na ddarparwyd gwybodaeth amgylcheddol ynghyd â hwy yn flaenorol
10. Cais a wnaed i awdurdod cynllunio lleol heb ddatganiad amgylcheddol
11. Cais a atgyfeirir i Weinidogion Cymru heb ddatganiad amgylcheddol
12. Apêl i Weinidogion Cymru heb ddatganiad amgylcheddol

RHAN 4

Paratoi Datganiadau Amgylcheddol

13. Barnau cwmpasu
14. Cyfarwyddydau cwmpasu
15. Gweithdrefn i hwyluso paratoi datganiadau amgylcheddol

RHAN 5

Cyhoeddusrwydd a Gweithdrefnau ar Gyflwyno Datganiadau Amgylcheddol

16. Y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i awdurdod cynllunio lleol
17. Cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio
18. Darparu copïau o ddatganiadau amgylcheddol a gwybodaeth bellach i Weinidogion Cymru mewn achos o atgyfeiriad neu apêl
19. Y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru
20. Argaeledd copïau o ddatganiadau amgylcheddol
21. Tâl am gopïau o ddatganiadau amgylcheddol
22. Gwybodaeth bellach a thystiolaeth mewn cysylltiad â datganiadau amgylcheddol

7. Applications which appear to require screening opinion
8. Subsequent applications where environmental information previously provided
9. Subsequent applications where environmental information not previously provided
10. Application made to a local planning authority without an environmental statement
11. Application referred to the Welsh Ministers without an environmental statement
12. Appeal to the Welsh Ministers without an environmental statement

PART 4

Preparation of Environmental Statements

13. Scoping opinions
14. Scoping directions
15. Procedure to facilitate preparation of environmental statements

PART 5

Publicity and Procedures on Submission of Environmental Statements

16. Procedure where an environmental statement is submitted to a local planning authority
17. Publicity where an environmental statement is submitted after the planning application
18. Provision of copies of environmental statements and further information for the Welsh Ministers on referral or appeal
19. Procedure where an environmental statement is submitted to the Welsh Ministers
20. Availability of copies of environmental statements
21. Charges for copies of environmental statements
22. Further information and evidence in respect of environmental statements

RHAN 6

Argaeledd Cyfarwyddydau etc. a Hysbysu am Benderfyniadau

23. Argaeledd barnau, cyfarwyddydau etc. i'w harchwilio
24. Dyletswyddau i hysbysu'r cyhoedd a Gweinidogion Cymru am y penderfyniadau terfynol

RHAN 7

Datblygiad gan Awdurdod Cynllunio Lleol

25. Addasiadau pan fo'r cais gan awdurdod cynllunio lleol
26. Barnau a chyfarwyddydau sgrinio

RHAN 8

Ceisiadau am ganiatâd cynllunio a wneir i Weinidogion Cymru

27. Cymhwyso Rhannau 2 i 7
28. Ceisiadau am gyfarwyddydau sgrinio Gweinidogion Cymru
29. Ceisiadau a wneir heb ddatganiad amgylcheddol
30. Cyfarwyddydau cwmpasu
31. Y weithdrefn i hwyluso paratoi datganiadau amgylcheddol
32. Y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru
33. Cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio
34. Argaeledd copïau o ddatganiadau amgylcheddol
35. Argaeledd cyfarwyddydau etc. i'w harchwilio
36. Dyletswyddau i hysbysu'r cyhoedd o benderfyniadau terfynol

RHAN 9

Cyfyngiadau ar Roi Caniatâd

37. Cynlluniau parth cynllunio wedi eu symleiddio neu orchmynion parth menter newydd
38. Gorchmynion datblygu lleol
39. Gorchmynion adran 97 a gorchmynion adran 102

PART 6

Availability of Directions etc and Notification of Decisions

23. Availability of opinions, directions etc. for inspection
24. Duties to inform the public and the Welsh Ministers of final decisions

PART 7

Development By a Local Planning Authority

25. Modifications where application by a local planning authority
26. Screening opinions and directions

PART 8

Applications for planning permission made to the Welsh Ministers

27. Application of Parts 2 to 7
28. Requests for screening directions of the Welsh Ministers
29. Applications made without an environmental statement
30. Scoping directions
31. Procedure to facilitate preparation of environmental statements
32. Procedure where an environmental statement is submitted to the Welsh Ministers
33. Publicity where an environmental statement is submitted after the planning application
34. Availability of copies of environmental statements
35. Availability of directions etc. for inspection
36. Duties to inform the public of final decisions

PART 9

Restrictions of Grants of Permission

37. New simplified planning zone schemes or enterprise zone orders
38. Local development orders
39. Section 97 orders and section 102 orders

RHAN 10

Datblygiad Anawdurdodedig

40. Dehongli
41. Gwahardd rhoi caniatâd cynllunio i ddatblygiad AEA anawdurdodedig
42. Barnau sgrinio
43. Cyfarwyddydau sgrinio
44. Darparu gwybodaeth
45. Apêl i Weinidogion Cymru heb farn sgrinio neu gyfarwyddyd sgrinio
46. Apêl i Weinidogion Cymru heb ddatganiad amgylcheddol
47. Gweithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru
48. Gwybodaeth bellach a thystiolaeth ynghylch datganiadau amgylcheddol
49. Cyhoeddusrwydd ar gyfer datganiadau amgylcheddol neu wybodaeth bellach
50. Dogfennau ar gael i'r cyhoedd edrych arnynt
51. Effeithiau trawsffiniol sylweddol

RHAN 11

Ceisiadau ROMP

52. Cymhwysiad cyffredinol y Rheoliadau i geisiadau ROMP

RHAN 12

Datblygiad ag Effeithiau Trawsffiniol Sylweddol

53. Datblygiad yng Nghymru sy'n debygol o gael effeithiau sylweddol mewn Gwladwriaeth AEE arall
54. Prosiectau mewn Gwladwriaeth AEE arall sy'n debygol o gael effeithiau trawsffiniol sylweddol

RHAN 13

Amrywiol

55. Cais i'r Uchel Lys
56. Gwastraff peryglus a newid defnydd sylweddol
57. Ymestyn y cyfnod ar gyfer penderfyniad awdurdod ar gais cynllunio

PART 10

Unauthorised Development

40. Interpretation
41. Prohibition on the grant of planning permission for unauthorised EIA development
42. Screening opinions
43. Screening directions
44. Provision of information
45. Appeal to the Welsh Ministers without a screening opinion or screening direction
46. Appeal to the Welsh Ministers without an environmental statement
47. Procedure where an environmental statement is submitted to the Welsh Ministers
48. Further information and evidence respecting environmental statements
49. Publicity for environmental statements or further information
50. Public inspection of documents
51. Significant transboundary effects

PART 11

ROMP Applications

52. General application of the Regulations to ROMP applications

PART 12

Development with Significant Transboundary Effects

53. Development in Wales likely to have significant effects in another EEA State
54. Projects in another EEA State likely to have significant transboundary effects

PART 13

Miscellaneous

55. Application to the High Court
56. Hazardous waste and material change of use
57. Extension of the period for an authority's decision on a planning application

- | | | | |
|-----|---|-----|--|
| 58. | Ymestyn y pŵer i ddarparu mewn gorchymyn datblygu ar gyfer rhoi cyfarwyddydau ynghylch y dull yr ymdrinnir â cheisiadau cynllunio | 58. | Extension of the power to provide in a development order for the giving of directions as respects the manner in which planning applications are dealt with |
| 59. | Cymhwysio i'r Goron | 59. | Application to the Crown |
| 60. | Dirymu offerynnau statudol a darpariaethau trosiannol | 60. | Revocation of statutory instruments and transitional provisions |
| 61. | Diwygiadau canlyniadol | 61. | Consequential amendments |

ATODLEN 1 — Disgrifiadau o ddatblygiad ar gyfer dibenion diffiniad “datblygiad Atodlen 1”

ATODLEN 2 — Disgrifiadau o ddatblygiad a throthwyon cymwys a meini prawf at ddibenion y diffiniad o “datblygiad Atodlen 2”

ATODLEN 3 — Meini prawf dethol ar gyfer sgrinio datblygiad Atodlen 2

ATODLEN 4 — Gwybodaeth ar gyfer cynnwys mewn datganiadau amgylcheddol

RHAN 1

RHAN 2

ATODLEN 5 — Gorchymynion Datblygu Lleol

ATODLEN 6 — Gorchymynion Adran 102 a 97 o dan Ddeddf 1990

ATODLEN 7 — Ceisiadau ROMP

ATODLEN 8 — Offerynnau statudol a ddirymwyd

ATODLEN 9 — Diwygiadau canlyniadol

SCHEDULE 1 — Descriptions of development for the purposes of the definition of “Schedule 1 development”

SCHEDULE 2 — Descriptions of development and applicable thresholds and criteria for the purposes of the definition of “Schedule 2 development”

SCHEDULE 3 — Selection criteria for screening Schedule 2 development

SCHEDULE 4 — Information for inclusion in environmental statements

PART 1

PART 2

SCHEDULE 5 — Local Development Orders

SCHEDULE 6 — Section 102 and 97 orders under the 1990 Act

SCHEDULE 7 — ROMP Applications

SCHEDULE 8 — Statutory instruments revoked

SCHEDULE 9 — Consequential amendments

Mae Gweinidogion Cymru gan eu bod wedi eu dynodi at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(1) mewn perthynas â'r gofyniad i asesu'r effaith ar yr amgylchedd y mae prosiectau sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd yn ei chael, i'r graddau y mae a wnelo â chynllunio gwlad a thref(2), drwy arfer y pwerau a roddwyd gan yr adran honno, adran 71A o Ddeddf Cynllunio Gwlad a Thref 1990(3), ac wedi ystyried y meini prawf dethol yn Atodiad III i Gyfarwyddeb 2011/92/EU(4) Senedd Ewrop a'r Cyngor ar asesu effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd(5), fel y'i mabwysiadwyd ar 13 Rhagfyr 2011, yn gwneud y Rheoliadau a ganlyn.

RHAN 1

Cyffredinol

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016.

(2) Daw'r Rheoliadau hyn i rym ar 1 Mawrth 2016 ac eithrio rheoliad 38, Atodlen 5 (gorchmynion datblygu lleol) ac Atodlen 9, paragraff 8(3) sy'n dod i rym ar y dyddiad y daw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) (Diwygio) 2016 i rym.

(3) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(4) Mewn perthynas â chais am ganiatâd cynllunio a wneir i Weinidogion Cymru, mae Rhannau 2 i 7 o'r Rheoliadau hyn yn gymwys i'r graddau ac yn y ffordd a nodir yn Rhan 8 yn unig.

(1) 1972 p. 68. Diwygiwyd adran 2(2) gan adran 27(1) o Ddeddf Diwygio Deddfwriaethol a Rheoleiddiol 2006 (p. 51) ac adran 3(3) o Ddeddf yr Undeb Ewropeaidd (Diwygio) 2008 (p. 7) a Rhan 1 o'r Atodlen i'r Ddeddf honno.

(2) O.S. 2007/1679. *Gweler* erthygl 4.

(3) 1990 p. 8. Mewnosodwyd adran 71A gan adran 15 o Ddeddf 1991. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan y Ddeddf honno i Gynulliad Cenedlaethol Cymru, i'r graddau y maent yn arferadwy o ran Cymru, gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 i'r Gorchymyn hwnnw: *gweler* y cofnod yn Atodlen 1 ar gyfer Deddf 1991. Trosglwyddwyd y swyddogaethau hynny i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 i'r Ddeddf honno, y swyddogaethau yn swyddogaethau perthnasol i'r Cyulliad fel y diffinnir ym mharagraff 30(2).

(4) Mae Cyfarwyddeb 2011/92/EU wedi ei diwygio gan Gyfarwyddeb 2014/52/EU. *Gweler* erthyglau 2(1) a 3(1) o Gyfarwyddeb 2014/52/EU.

(5) O.J. Rhif L 26, 28.1.2012, t. 1. Mae'r Gyfarwyddeb wedi ei diwygio gan Gyfarwyddeb 2014/52/EU Senedd Ewrop a'r Cyngor, O.J. Rhif L 124, 25.4.2014, t. 1. *Gweler* yn benodol Erthygl 3(1).

The Welsh Ministers being designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to the requirement for an assessment of the impact on the environment of projects likely to have significant effects on the environment, insofar as it concerns town and country planning(2), in exercise of the powers conferred by that section, section 71A of the Town and Country Planning Act 1990(3), and having taken into account the selection criteria in Annex III to Directive 2011/92/EU(4) of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment(5), as adopted on 13 December 2011, make the following Regulations.

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.

(2) These Regulations come into force on 1 March 2016 except for regulation 38, Schedule 5 (local development orders) and Schedule 9, paragraph 8(3) which come into force on the date on which the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 comes into force.

(3) These Regulations apply in relation to Wales.

(4) In relation to an application for planning permission made to the Welsh Ministers, Parts 2 to 7 of these Regulations apply only to the extent and in the way set out in Part 8.

(1) 1972 c. 68. Section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51) and section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7).

(2) S.I. 2007/1679. *See* article 4.

(3) 1990 c. 8. Section 71A was inserted by section 15 of the 1991 Act. The functions of the Secretary of State under that Act were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): *see* the entry in Schedule 1 for the 1991 Act. Those functions were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2).

(4) Directive 2011/92/EU has been amended by Directive 2014/52/EU. *See* articles 2(1) and 3(1) of Directive 2014/52/EU.

(5) O.J. No. L 26, 28.1.2012, p. 1. The Directive has been amended by Directive 2014/52/EU of the European Parliament and of the Council O.J. No. L 124, 25.4.2014, p. 1. *See* in particular Article 3(1).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr “ardal sensitif” (“*sensitive area*”) yw unrhyw un o'r canlynol—

- (a) tir hysbysedig o dan adran 28(1) (safleoedd o ddiddordeb gwyddonol arbennig) o Ddeddf Bywyd Gwyllt a Chefn Gwlad 1981(1);
- (b) Parc Cenedlaethol o fewn ystyr Deddf Parciau Cenedlaethol a Mynediad i Gefn Gwlad 1949(2);
- (c) eiddo sy'n ymddangos ar Restr Treftadaeth y Byd a gedwir o dan erthygl 11(2) o Gonfensiwn UNESCO ynghylch Diogelu Treftadaeth Ddiwylliannol a Naturiol y Byd 1972(3);
- (d) heneb gofrestredig o fewn ystyr Deddf Henebion a Mannau Archeolegol 1979(4);
- (e) ardal a ddynodwyd yn ardal o harddwch naturiol eithriadol gan orchymyn a wnaed o dan adran 82(2) (ardaloedd o harddwch naturiol eithriadol) o Ddeddf Cefn Gwlad a Hawliau Tramwy 2000(5);
- (f) safle Ewropeaidd o fewn ystyr rheoliad 8 o Reoliadau Gwarchod Cynefinoedd a Rhywogaethau 2010(6);

ystyr “arolygydd” (“*inspector*”) yw person a benodir gan Weinidogion Cymru i benderfynu ar apêl;

ystyr “awdurdod cynllunio perthnasol” (“*relevant planning authority*”) yw'r corff sy'n gyfrifol, a oedd yn gyfrifol neu a fyddai'n gyfrifol am benderfynu ar gais am ganiatâd cynllunio ar gyfer y datblygiad dan sylw, oni bai—

- (a) bod y datblygiad yn ddatblygiad o arwyddocâd cenedlaethol at ddibenion adran 62D o Ddeddf 1990(7); neu

Interpretation

2.—(1) In these Regulations—

“the 1990 Act” (“*Deddf 1990*”) means the Town and Country Planning Act 1990;

“the 1991 Act” (“*Deddf 1991*”) means the Planning and Compensation Act 1991(1);

“the 1995 Act” (“*Deddf 1995*”) means the Environment Act 1995(2);

“the 2012 Order” (“*Gorchymyn 2012*”) means the Town and Country Planning (Development Management Procedure) (Wales) Order 2012(3);

“the 2016 Order” (“*Gorchymyn 2016*”) means the Developments of National Significance (Procedure) (Wales) Order 2016(4);

“any other information” (“*unrhyw wybodaeth arall*”) means any other substantive information relating to the environmental statement and provided by the applicant or the appellant as the case may be;

“any particular person” (“*unrhyw berson penodol*”) includes any non-governmental organisation promoting environmental protection;

“by local advertisement” (“*drwy hysbyseb lleol*”), in relation to a notice, means—

- (a) by publication of the notice in a newspaper circulating in the locality in which the land is situated; and

- (b) where the relevant planning authority maintains a website for the purpose of advertisement of applications, by publication of the notice on the website;

“commencement date” (“*dyddiad cychwyn*”) means 1 March 2016;

“the consultees” (“*yr ymgynghoreion*”) means—

- (a) in respect of an application for planning permission made to the Welsh Ministers, any authority, body or person which they are required to consult by virtue of article 22 of the 2016 Order and the bodies referred to in sub-paragraph (c) if not already within this sub-paragraph;

(1) 1981 p. 69. Amnewidiwyd adran 28(1) gan Ddeddf Cefn Gwlad a Hawliau Tramwy 2001 (p. 37), adran 75(1) ac Atodlen 9, paragraff 1, a'i ddiwygio gan Ddeddf yr Amgylchedd Naturiol a Chymunedau Gwledig 2006 (p. 16) adran 105(1), Atodlen 11, Rhan 1, paragraff 79, a chan Ddeddf y Môr a Mynediad i'r Arfordir 2009 (p. 23) adran 148, Atodlen 13, Rhan 2, paragraff 2(1).

(2) 1949 p. 97, gweler adran 5(3). Gweler adran 27AA ar gyfer cymhwysiad adran 28 mewn perthynas â thir yng Nghymru.

(3) Gweler Papur Gorchymyn 9424 a <http://whc.unesco.org/en/list>.

(4) 1979 p. 46. Gweler y diffiniad yn adran 1(11).

(5) 2000 p. 37. Diwygiwyd adran 82(2) gan O.S. 2013/755.

(6) O.S. 2010/490. Mae diwygiadau i reoliad 8 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(7) Mewnosodwyd adran 62D gan adran 19 o Ddeddf Cynllunio (Cymru) 2015 (anaw 4).

(1) 1991 c. 34.

(2) 1995 c. 25.

(3) S.I. 2012/801 (W. 110); amended by S.I. 2015/1330 (W. 123); there are other amending instruments but none is relevant.

(4) S.I. 2016/55 (W. 25).

- (b) am gyfarwyddyd o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau at yr Ysgrifennydd Gwladol)(1);

ystyr “barn gwmpasu” (“*scoping opinion*”) yw barn ysgrifenedig yr awdurdod cynllunio perthnasol ynghylch yr wybodaeth y mae'n rhaid ei darparu yn y datganiad amgylcheddol;

ystyr “barn sgrinio” (“*screening opinion*”) yw barn ysgrifenedig yr awdurdod cynllunio perthnasol ynghylch a yw datblygiad yn ddatblygiad AEA;

ystyr “cais AEA” (“*EIA application*”) yw—

- (c) cais am ganiatâd cynllunio ar gyfer datblygiad AEA; neu

- (d) cais dilynol mewn cysylltiad â datblygiad AEA;

ystyr “cais Atodlen 1” (“*Schedule 1 application*”) a “cais Atodlen 2” (“*Schedule 2 application*”) yw cais am ganiatâd cynllunio ar gyfer datblygiad Atodlen 1 a datblygiad Atodlen 2 yn ôl eu trefn;

ystyr “cais dilynol” (“*subsequent application*”) yw cais am ganiatâd, cytundeb neu gymeradwyaeth ar fater—

- (a) pan fo'r gymeradwyaeth yn ofynnol gan neu o dan amod y mae caniatâd cynllunio yn ddarostyngedig iddi; a

- (b) pan mae'n rhaid cael cymeradwyaeth cyn y caniateir dechrau ar y datblygiad cyfan neu ar ran ohono a ganiateir gan y caniatâd cynllunio;

ystyr “caniatâd dilynol” (“*subsequent consent*”) yw caniatâd, cytundeb neu gymeradwyaeth a roddir yn unol â chais dilynol;

ystyr “cofrestr” (“*register*”) yw cofrestr a gedwir yn unol ag adran 69 o Ddeddf 1990 (cofrestrau o geisiadau etc.)(2) ac ystyr “cofrestr briodol” (“*appropriate register*”) yw'r gofrestr y rhoddwyd manylion am gais am ganiatâd cynllunio ar gyfer y datblygiad perthnasol arni neu y byddent yn cael eu rhoi arni pe gwnaed cais o'r fath;

ystyr “cyfarwyddyd cwmpasu” (“*scoping direction*”) yw cyfarwyddyd ysgrifenedig Gweinidogion Cymru ynghylch yr wybodaeth y mae'n rhaid ei darparu yn y datganiad amgylcheddol;

ystyr “cyfarwyddyd sgrinio” (“*screening direction*”) yw cyfarwyddyd a wneir gan

- (b) any body which the relevant planning authority is required to consult, or would, if an application for planning permission for the development in question were before them, be required to consult by virtue of article 14 of the 2012 Order (consultations before the grant of permission) or of any direction under that article and the bodies referred to in subparagraph (c) if not already within this subparagraph;

(c) the following bodies—

- (i) any principal council for the area where the land is situated, if not the relevant planning authority;
- (ii) the Natural Resources Body for Wales(1);
- (iii) other bodies designated by statutory provision as having specific environmental responsibilities and which the relevant planning authority or the Welsh Ministers, as the case may be, consider are likely to have an interest in the application;

“the Directive” (“*y Gyfarwydddeb*”) means Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment, as adopted on 13 December 2011;

“dwellinghouse” (“*tŷ annedd*”) means a building or part of a building which is used as a single private dwelling and for no other purpose;

“EIA application” (“*cais AEA*”) means—

- (a) an application for planning permission for EIA development; or
- (b) a subsequent application in respect of EIA development;

“EIA development” (“*datblygiad AEA*”) means development which is either—

- (a) Schedule 1 development; or
- (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location;

“environmental information” (“*gwybodaeth amgylcheddol*”) means the environmental statement, including any further information and any other information, any representations made by any consultee and any representations duly made by any other person about the environmental effects of the development;

(1) Diwygiwyd adran 77 gan Ddeddf 1991, Atodlen 7, paragraff 18.

(2) Amnewidwyd adran 69 gan Ddeddf Cynllunio a Phrynu Gorfodol 2004, adran 188(1) ac Atodlen 6, paragraffau 1 a 3; diwygiwyd adran 69 gan Ddeddf Cynllunio 2008 (p. 29), adran 190(1) a (4); Deddf Lleoliaeth 2011 (p. 20), adran 237 a Rhan 18 o Atodlen 25. Mae diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

(1) See S.I. 2012/1903 (W. 230).

Weinidogion Cymru ynghylch pa un a yw datblygiad yn ddatblygiad AEA;

ystyr “datblygiad AEA” (“*EIA development*”) yw datblygiad sydd naill ai—

- (a) yn ddatblygiad Atodlen 1; neu
- (b) yn ddatblygiad Atodlen 2 sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd yn rhinwedd ffactorau fel ei natur, ei faint neu ei leoliad;

ystyr “datblygiad Atodlen 1” (“*Schedule 1 development*”) yw datblygiad, heblaw datblygiad esempt, o ddisgrifiad a grybwyllir yn Atodlen 1;

ystyr “datblygiad Atodlen 2” (“*Schedule 2 development*”) yw datblygiad, heblaw datblygiad esempt, o ddisgrifiad a grybwyllir yng Ngholofn 1 y tabl yn Atodlen 2—

- (a) pan fo'n rhaid cyflawni unrhyw ran o'r datblygiad hwnnw mewn ardal sensitif; neu
- (b) pan fodlonir neu y rhagorir ar unrhyw drothwy neu faen prawf cymwys yn rhan gyfatebol Colofn 2 o'r tabl hwnnw mewn perthynas â'r datblygiad hwnnw;

ystyr “datblygiad esempt” (“*exempt development*”) yw datblygiad y mae Gweinidogion Cymru wedi gwneud cyfarwyddyd mewn cysylltiad ag ef o dan reoliad 4(4);

ystyr “datganiad amgylcheddol” (“*environmental statement*”) yw datganiad—

- (a) sy'n cynnwys cymaint o'r wybodaeth y cyfeirir ati yn Rhan 1 o Atodlen 4 ag sydd yn rhesymol yn ofynnol er mwyn asesu effeithiau amgylcheddol y datblygiad ac y gellir yn rhesymol ei gwneud yn ofynnol i'r ceisydd neu'r corff cychwyn ei gasglu, gan roi ystyriaeth benodol i wybodaeth a dulliau presennol o asesu, ond
- (b) sy'n cynnwys o leiaf yr wybodaeth y cyfeirir ati yn Rhan 2 o Atodlen 4;

ystyr “Deddf 1990” (“*the 1990 Act*”) yw Deddf Cynllunio Gwlad a Thref 1990;

ystyr “Deddf 1991” (“*the 1991 Act*”) yw Deddf Cynllunio a Digolledu 1991(1);

ystyr “Deddf 1995” (“*the 1995 Act*”) yw Deddf yr Amgylchedd 1995(2);

ystyr “drwy hysbyseb lleol” (“*by local advertisement*”), mewn perthynas â hysbysiad, yw—

“environmental statement” (“*datganiad amgylcheddol*”) means a statement—

- (a) that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and which the applicant or initiating body can reasonably be required to compile, having regard in particular to current knowledge and methods of assessment, but
- (b) that includes at least the information referred to in Part 2 of Schedule 4;

“exempt development” (“*datblygiad esempt*”) means development in respect of which the Welsh Ministers have made a direction under regulation 4(4);

“further information” (“*gwybodaeth bellach*”) has the meaning given in regulation 22(1);

“the General Regulations” (“*y Rheoliadau Cyffredinol*”) means the Town and Country Planning General Regulations 1992(1);

“inspector” (“*arolygydd*”) means a person appointed by the Welsh Ministers to determine an appeal;

“the land” (“*y tir*”) means the land on which the development would be carried out or, in relation to development already carried out, has been carried out;

“local development order” (“*gorchymyn datblygu lleol*”) means a local development order made pursuant to section 61A of the 1990 Act(2);

“principal council” (“*prif gyngor*”) has the meaning given by section 270(1) (general provisions as to interpretation) of the Local Government Act 1972(3);

“register” (“*cofrestr*”) means a register kept pursuant to section 69 of the 1990 Act (registers of applications etc.)(4) and “appropriate register” (“*cofrestr briodol*”) means the register on which particulars of an application for planning permission for the relevant development have been

(1) 1991 p. 34.

(2) 1995 p. 25.

(1) S.I. 1992/1492. Relevant amending instruments are S.I. 1992/1892 and S.I. 1997/3006.

(2) Section 61A was inserted by the Planning and Compulsory Purchase Act 2004 (c. 5), section 40(1); sub-section (1) was repealed by the Planning Act 2008, sections 188(1), (2), 238 and Schedule 13; sub-section (2) was amended by the Planning Act 2008, section 188(1) and (3).

(3) 1972 c. 70. “Principal council” means a council elected for a county borough.

(4) Section 69 was substituted by the Planning and Compulsory Purchase Act 2004, section 188(1) and Schedule 6, paragraphs 1 and 3; section 69 was amended by the Planning Act 2008 (c. 29), section 190(1) and (4); the Localism Act 2011 (c. 20), section 237 and Part 18 of Schedule 25. There are other amendments which are not relevant to this instrument.

(a) drwy gyhoeddi'r hysbysiad mewn papur newydd sy'n cylchredeg yn yr ardal leol lle mae'r tir wedi ei leoli; a

(b) pan fo'r awdurdod cynllunio perthnasol yn cynnal gwefan at ddiben hysbysebu ceisiadau, drwy gyhoeddi'r hysbysiad ar y wefan;

ystyr “dyddiad cychwyn” (“*commencement date*”) yw 1 Mawrth 2016;

ystyr “Gorchymyn 2012” (“*the 2012 Order*”) yw Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012(1);

ystyr “Gorchymyn 2016” (“*the 2016 Order*”) yw Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016(2);

ystyr “gorchymyn datblygu lleol” (“*local development order*”) yw gorchymyn datblygu lleol a wneir yn unol ag adran 61A o Ddeddf 1990(3);

ystyr “gwybodaeth amgylcheddol” (“*environmental information*”) yw'r datganiad amgylcheddol, gan gynnwys unrhyw wybodaeth bellach ac unrhyw wybodaeth arall, unrhyw sylwadau a wneir gan unrhyw ymgynghorai ac unrhyw sylwadau a wneir yn briodol gan unrhyw berson arall ynghylch effeithiau amgylcheddol y datblygiad;

mae i “gwybodaeth bellach” (“*further information*”) yr ystyr a roddir yn rheoliad 22(1);

ystyr “y Gyfarwyddeb” (“*the Directive*”) yw Cyfarwyddeb 2011/92/EU Senedd Ewrop a'r Cyngor ar yr asesiad o effeithiau prosiectau cyhoeddus a phreifat penodol ar yr amgylchedd, fel y'i mabwysiadwyd ar 13 Rhagfyr 2011;

mae i “prif gyngor” yr ystyr a roddir i “principal council” gan adran 270(1) (darpariaethau cyffredinol ynghylch dehongli) o Ddeddf Llywodraeth Leol 1972(4);

ystyr “y Rheoliadau Cyffredinol” (“*the General Regulations*”) yw Rheoliadau Cyffredinol Cynllunio Gwlad a Thref 1992(5);

ystyr “y tir” (“*the land*”) yw'r tir y byddai'r datblygiad yn digwydd arno neu, mewn perthynas

placed or would be placed if such an application were made;

“relevant planning authority” (“*awdurdod cynllunio perthnasol*”) means the body to whom it falls, fell, or would fall, to determine an application for planning permission for the development in question, but for—

(a) the development being a development of national significance for the purposes of section 62D of the 1990 Act(1); or

(b) a direction under section 77 of the 1990 Act (reference of applications to Secretary of State)(2);

“Schedule 1 application” (“*cais Atodlen 1*”) and “Schedule 2 application” (“*cais Atodlen 2*”) mean an application for planning permission for Schedule 1 development and Schedule 2 development respectively;

“Schedule 1 development” (“*datblygiad Atodlen 1*”) means development, other than exempt development, of a description mentioned in Schedule 1;

“Schedule 2 development” (“*datblygiad Atodlen 2*”) means development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where—

(a) any part of that development is to be carried out in a sensitive area; or

(b) any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively met or exceeded in relation to that development;

“scoping direction” (“*cyfarwyddyd cwmpasu*”) means a written direction of the Welsh Ministers as to the information to be provided in the environmental statement;

“scoping opinion” (“*barn gwmpasu*”) means a written opinion of the relevant planning authority as to the information to be provided in the environmental statement;

“screening direction” (“*cyfarwyddyd sgrinio*”) means a direction made by the Welsh Ministers as to whether development is EIA development;

“screening opinion” (“*barn sgrinio*”) means a written opinion of the relevant planning authority as to whether development is EIA development;

“sensitive area” (“*ardal sensitif*”) means any of the following—

(1) O.S. 2012/801 (Cy. 110); diwygiwyd gan O.S. 2016/1330 (Cy. 123); mae offerynnau diwygio eraill ond nid oes yr un yn berthnasol.

(2) O.S. 2016/55 (W.25).

(3) Mewnosodwyd adran 61A gan Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), adran 40(1); cafodd is-adran (1) ei diddymu gan Ddeddf Cynllunio 2008, adrannau 188(1), (2), 238 ac Atodlen 13; diwygiwyd is-adran (2) gan Ddeddf Cynllunio 2008, adran 188(1) a (3).

(4) 1972 p. 70. Ystyr “principal council” yw cyngor a etholwyd ar gyfer bwrdeistref sirol.

(5) O.S. 1992/1492. Yr offerynnau diwygio perthnasol yw O.S. 1992/892 ac O.S. 1997/3006.

(1) Section 62D was inserted by section 19 of the Planning (Wales) Act 2015 (anaw 4).

(2) Section 77 was amended by the 1991 Act, Schedule 7, paragraph 18.

â datblygiad sydd wedi digwydd yn barod, y tir y mae'r datblygiad wedi digwydd arno;

ystyr “tŷ annedd” (“*dwellinghouse*”) yw adeilad neu ran o adeilad sy'n cael ei ddefnyddio fel annedd preifat sengl ac i ddim diben arall;

mae “unrhyw berson penodol” (“*any particular person*”) yn cynnwys unrhyw sefydliad anllywodraethol sy'n hyrwyddo diogelu'r amgylchedd;

ystyr “unrhyw wybodaeth arall” (“*any other information*”) yw unrhyw wybodaeth arall o sylwedd sy'n ymwneud â'r datganiad amgylcheddol ac a ddarparwyd gan y ceisydd neu'r apelydd yn ôl y digwydd;

ystyr “yr ymgynghoreion” (“*the consultees*”) yw—

- (a) mewn cysylltiad â chais am ganiatâd cynllunio a wneir i Weinidogion Cymru, unrhyw awdurdod, corff neu berson y mae'n ofynnol iddynt ymgynghori ag ef yn rhinwedd erthygl 22 o Orchymyn 2016 a'r cyrff y cyfeirir atynt yn is-baragraff (c) os na chyfeiriwyd atynt yn barod yn yr is-baragraff hwn;
- (b) unrhyw gorff y mae'n ofynnol i'r awdurdod cynllunio perthnasol ymgynghori ag ef, neu y byddai'n ofynnol iddo ymgynghori ag ef, pe byddai cais am ganiatâd cynllunio ar gyfer y datblygiad dan sylw ger ei fron, yn rhinwedd erthygl 14 o Orchymyn 2012 (ymgynghoriadau cyn rhoi caniatâd) neu o unrhyw gyfarwyddyd o dan yr erthygl honno a'r cyrff y cyfeirir atynt yn is-baragraff (c) os na chyfeirir atynt yn barod yn yr is-baragraff hwn;
- (c) y cyrff canlynol—
 - (i) unrhyw brif gyngor ar gyfer yr ardal lle mae'r tir wedi ei leoli, os nad yr awdurdod cynllunio perthnasol;
 - (ii) Corff Adnoddau Naturiol Cymru(1);
 - (iii) cyrff eraill a ddynodir gan ddarpariaeth statudol fel cyrff sydd â chyfrifoldebau amgylcheddol penodol ac y mae'r awdurdod cynllunio perthnasol neu Weinidogion Cymru, yn ôl y digwydd, yn ystyried ei bod yn debygol y bydd ganddynt ddiddordeb yn y cais.

- (a) land notified under section 28(1) (sites of special scientific interest) of the Wildlife and Countryside Act 1981(1);
- (b) a National Park within the meaning of the National Parks and Access to the Countryside Act 1949(2);
- (c) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage(3);
- (d) a scheduled monument within the meaning of the Ancient Monuments and Archaeological Areas Act 1979(4);
- (e) an area of outstanding natural beauty designated as such by an order made under section 82(2) (areas of outstanding natural beauty) of the Countryside and Rights of Way Act 2000(5);
- (f) a European site within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010(6);

“subsequent application” (“*cais dilynol*”) means an application for consent, agreement or approval of a matter where the approval—

- (a) is required by or under a condition to which a planning permission is subject; and
- (b) must be obtained before all or part of the development permitted by the planning permission may be begun;

“subsequent consent” (“*caniatâd dilynol*”) means consent, agreement or approval granted pursuant to a subsequent application.

(1) *Gweler* O.S. 2012/1903 (Cy. 230).

(1) 1981 c. 69. Section 28(1) was substituted by the Countryside and Rights of Way Act 2001 (c. 37), section 75(1) and Schedule 9, paragraph 1, and amended by the Natural Environment and Rural Communities Act 2006 (c. 16) section 105(1), Schedule 11, Part 1, paragraph 79, and by the Marine and Coastal Access Act 2009 (c. 23) section 148, Schedule 13, Part 2, paragraph 2(1).

(2) 1949 (c. 97), *see* section 5(3). *See* section 27AA for the application of section 28 in relation to land in Wales.

(3) *See* Command Paper 9424 and <http://whc.unesco.org/en/list>.

(4) 1979 c. 46. *See* the definition in section 1(11).

(5) 2000 c. 37. Section 82(2) was amended by S.I. 2013/755.

(6) S.I. 2010/490. There are amendments to regulation 8 which are not relevant to these Regulations.

(2) Yn ddarostyngedig i baragraff (3), yr un ystyr sydd i'r ymadroddion a ddefnyddir yn y Rheoliadau hyn ac yn Neddf 1990 at ddibenion y Rheoliadau hyn ag sydd iddynt at ddibenion Deddf 1990.

(3) Yr un ystyr sydd i'r ymadroddion a ddefnyddir yn y Rheoliadau hyn ac yn y Gyfarwyddeb at ddibenion y Rheoliadau hyn (pa un a ydynt yn cael eu defnyddio yn Neddf 1990 ai peidio) ag sydd iddynt at ddibenion y Gyfarwyddeb.

(4) Yn y Rheoliadau hyn, rhaid peidio â dehongli cyfeiriadau at Weinidogion Cymru fel cyfeiriadau at arolygydd.

(5) Pan ganiateir i gorff, neu pan fo'n ofynnol i gorff nodi, rhoi gwybod, gofyn, cadarnhau, hysbysu neu gyflwyno sylwadau, rhaid i'r corff hwnnw wneud hynny'n ysgrifenedig.

(6) Caniateir cyflwyno neu roi unrhyw hysbysiad neu ddogfen arall y mae'n rhaid eu hanfon, eu cyflwyno neu eu rhoi o dan y Rheoliadau hyn mewn modd a bennir yn adran 329 o Ddeddf 1990 (cyflwyno hysbysiadau)(1).

Gwaharddiad ar roi caniatâd cynllunio neu ganiatâd dilynol heb ystyried gwybodaeth amgylcheddol

3.—(1) Mae'r rheoliad hwn yn gymwys—

- (a) i bob cais am ganiatâd cynllunio ar gyfer datblygiad AEA a geir ar neu ar ôl y dyddiad cychwyn;
- (b) i bob cais am ganiatâd cynllunio ar gyfer datblygiad AEA a gofnodir gan awdurdod yn unol â rheoliad 3 (ceisiadau am ganiatâd cynllunio) o'r Rheoliadau Cyffredinol ar neu ar ôl y dyddiad cychwyn;
- (c) i bob cais dilynol mewn cysylltiad â datblygiad AEA a geir ar neu ar ôl y dyddiad cychwyn; a
- (d) i bob cais dilynol mewn cysylltiad â datblygiad AEA a gofnodir gan awdurdod yn unol â rheoliad 11 o'r Rheoliadau Cyffredinol ar neu ar ôl y dyddiad cychwyn.

(2) At ddibenion paragraff (1), y dyddiad pan geir cais gan awdurdod yw—

- (a) mewn cysylltiad â chais a wneir o dan adran 62D o Ddeddf 1990; dyddiad derbyn y cais yn unol ag erthygl 15 o Orchymyn 2016; a

(2) Subject to paragraph (3), expressions used both in these Regulations and in the 1990 Act have the same meaning for the purposes of these Regulations as they have for the purposes of the 1990 Act.

(3) Expressions used both in these Regulations and in the Directive (whether or not also used in the 1990 Act) have the same meaning for the purposes of these Regulations as they have for the purposes of the Directive.

(4) In these Regulations references to the Welsh Ministers must not be construed as references to an inspector.

(5) Where a body may, or is required to, state, notify, request, confirm, inform or make representations, that body must do so in writing.

(6) Any notice or other document to be sent, served or given under these Regulations may be served or given in a manner specified in section 329 of the 1990 Act (service of notices)(1).

Prohibition on granting planning permission or subsequent consent without consideration of environmental information

3.—(1) This regulation applies—

- (a) to every application for planning permission for EIA development received on or after the commencement date;
- (b) to every application for planning permission for EIA development lodged by an authority pursuant to regulation 3 (applications for planning permission) of the General Regulations on or after the commencement date;
- (c) to every subsequent application in respect of EIA development received on or after the commencement date; and
- (d) to every subsequent application in respect of EIA development lodged by an authority pursuant to regulation 11 of the General Regulations on or after the commencement date.

(2) For the purposes of paragraph (1), the date of receipt of an application by an authority is—

- (a) in respect of an application made under section 62D of the 1990 Act, the date of acceptance of the application in accordance with article 15 of the 2016 Order; and

(1) Diwygiwyd adran 329 gan Orchymyn Cynllunio Gwlad a Thref (Cyfathrebiadau Electronig) (Cymru) (Rhif 1) 2004 (O.S. 2004/3156 (Cy. 273)).

(1) Section 329 was amended by the Town and Country Planning (Electronic Communications) (Wales) (No. 1) Order 2004 (S.I. 2004/3156 (W. 273)).

(b) yr hyn a benderfynwyd yn unol ag erthygl 22(3) (cyfnodau amser ar gyfer penderfyniadau) o Orchymyn 2012 mewn cysylltiad â cheisiadau eraill.

(3) Ni chaniateir i'r awdurdod cynllunio perthnasol na Gweinidogion Cymru nac arolygydd roi caniatâd cynllunio na chaniatâd dilynol yn unol â chais y mae'r rheoliad hwn yn gymwys iddo oni bai eu bod wedi cymryd yr wybodaeth amgylcheddol i ystyriaeth, ac mae'n rhaid iddynt nodi yn eu penderfyniad eu bod wedi gwneud hynny.

RHAN 2

Sgrinio

Darpariaethau cyffredinol sy'n ymwneud â sgrinio

4.—(1) Yn ddarostyngedig i baragraffau (3) a (4), bydd ddiwyddiad a grybwyllir ym mharagraff (2) yn penderfynu at ddiben y Rheoliadau hyn bod datblygiad yn ddatblygiad AEA.

(2) Y digwyddiadau y cyfeirir atynt ym mharagraff (1) yw—

- (a) cyflwyniad datganiad mewn perthynas â'r datblygiad hwnnw gan y ceisydd neu'r apelydd y mae'r ceisydd neu'r apelydd yn cyfeirio ato fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn; neu
- (b) mabwysiadu barn sgrinio i'r perwyl bod y datblygiad yn ddatblygiad AEA gan yr awdurdod cynllunio perthnasol.

(3) Mae cyfarwyddyd gan Weinidogion Cymru yn penderfynu pa un a yw datblygiad yn ddatblygiad AEA ai peidio at ddiben y Rheoliadau hyn.

(4) Caiff Gweinidogion Cymru gyfarwyddo nad yw'r Rheoliadau hyn yn gymwys mewn perthynas â datblygiad arfaethedig penodol a bennir yn y cyfarwyddyd yn unol ag Erthygl 2(4) o'r Gyfarwyddeb (ond heb iddo leihau effaith Erthygl 7 o'r Gyfarwyddeb).

(5) Pan roddir cyfarwyddyd o dan baragraff (4) rhaid i Weinidogion Cymru—

- (a) anfon copi o unrhyw gyfarwyddyd o'r fath i'r awdurdod cynllunio perthnasol;
- (b) sicrhau bod yr wybodaeth a ystyriwyd wrth wneud y cyfarwyddyd a'r rhesymau dros wneud y cyfarwyddyd ar gael i'r cyhoedd;
- (c) ystyried pa un a fyddai math arall o asesiad yn briodol; a

(b) determined in accordance with article 22(3) (time periods for decisions) of the 2012 Order in respect of other applications.

(3) The relevant planning authority or the Welsh Ministers or an inspector must not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have taken the environmental information into consideration, and they must state in their decision that they have done so.

PART 2

Screening

General provisions relating to screening

4.—(1) Subject to paragraphs (3) and (4), the occurrence of an event mentioned in paragraph (2) determines for the purpose of these Regulations that development is EIA development.

(2) The events referred to in paragraph (1) are—

- (a) the submission by the applicant or appellant in relation to that development of a statement referred to by the applicant or appellant as an environmental statement for the purposes of these Regulations; or
- (b) the adoption by the relevant planning authority of a screening opinion to the effect that the development is EIA development.

(3) A direction of the Welsh Ministers determines for the purpose of these Regulations whether development is or is not EIA development.

(4) The Welsh Ministers may direct that these Regulations do not apply in relation to a particular proposed development specified in the direction in accordance with Article 2(4) of the Directive (but without prejudice to Article 7 of the Directive).

(5) Where a direction is given under paragraph (4) the Welsh Ministers must—

- (a) send a copy of any such direction to the relevant planning authority;
- (b) make available to the public the information considered in making the direction and the reasons for making the direction;
- (c) consider whether another form of assessment would be appropriate; and

- (d) cymryd unrhyw gamau y maent yn ystyried sy'n briodol er mwyn dod â'r wybodaeth a gafwyd o dan y math arall o asesiad i sylw'r cyhoedd.

(6) Pan fo'n rhaid i awdurdod cynllunio lleol neu Weinidogion Cymru benderfynu o dan y Rheoliadau hyn a yw datblygiad Atodlen 2 yn ddatblygiad AEA, rhaid i'r awdurdod neu Weinidogion Cymru ystyried cymaint o'r meini prawf dethol a nodir yn Atodlen 3 ag sy'n berthnasol i'r datblygiad wrth wneud y penderfyniad hwnnw.

(7) Pan fo awdurdod cynllunio lleol yn mabwysiadu barn sgrinio, neu pan wneir cyfarwyddyd sgrinio gan Weinidogion Cymru—

- (a) rhaid cyflwyno'r farn honno neu'r cyfarwyddyd hwnnw ynghyd â datganiad sy'n nodi'r rhesymau llawn dros y casgliad hwnnw yn glir ac yn fanwl; a
- (b) rhaid i'r awdurdod neu Weinidogion Cymru, yn ôl y digwydd, anfon copi o'r farn neu'r cyfarwyddyd a chopi o'r datganiad sy'n ofynnol gan is-baragraff (a) i'r person sy'n bwriadu cynnal neu sydd wedi cynnal y datblygiad dan sylw.

(8) Caiff Gweinidogion Cymru wneud cyfarwyddyd sgrinio naill ai—

- (a) o'u hewyllys eu hunain; neu
- (b) os gofynnir iddynt wneud hynny gan unrhyw berson.

(9) Caiff Gweinidogion Cymru gyfarwyddo bod y datblygiad penodol hwnnw o ddisgrifiad a grybwyllir yng Ngholofn 1 o'r tabl yn Atodlen 2 yn ddatblygiad AEA er gwaethaf y ffaith nad oes yr un o'r amodau a gynhwysir yn is-baragraffau (a) a (b) o'r diffiniad o "datblygiad Atodlen 2" yn cael ei fodloni mewn perthynas â'r datblygiad hwnnw.

(10) Rhaid i Weinidogion Cymru anfon copi o unrhyw gyfarwyddyd sgrinio a chopi o'r datganiad sy'n ofynnol gan baragraff (7)(a) i'r awdurdod cynllunio perthnasol.

Ceisiadau am farnau sgrinio

5.—(1) Caiff person sy'n bwriadu cynnal datblygiad ofyn i'r awdurdod cynllunio perthnasol fabwysiadu barn sgrinio.

(2) Rhaid i gais am farn sgrinio mewn perthynas â chais am ganiatâd cynllunio gael ei gyflwyno ynghyd â—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad byr o natur a phwrpas y datblygiad a'i effeithiau posibl ar yr amgylchedd; a

- (d) take such steps they consider appropriate to bring the information obtained under the other form of assessment to the attention of the public.

(6) Where a local planning authority or the Welsh Ministers have to decide under these Regulations whether Schedule 2 development is EIA development, the authority or the Welsh Ministers must take into account in making that decision such of the selection criteria set out in Schedule 3 as are relevant to the development.

(7) Where a local planning authority adopt a screening opinion, or the Welsh Ministers make a screening direction—

- (a) that opinion or direction must be accompanied by a statement giving clearly and precisely the full reasons for that conclusion; and
- (b) the authority or the Welsh Ministers, as the case may be, must send a copy of the opinion or direction and a copy of the statement required by sub-paragraph (a) to the person who proposes to carry out, or who has carried out, the development in question.

(8) The Welsh Ministers may make a screening direction either—

- (a) of their own volition; or
- (b) if requested to do so by any person.

(9) The Welsh Ministers may direct that particular development of a description mentioned in Column 1 of the table in Schedule 2 is EIA development in spite of the fact that none of the conditions contained in sub-paragraphs (a) and (b) of the definition of "Schedule 2 development" is satisfied in relation to that development.

(10) The Welsh Ministers must send a copy of any screening direction and a copy of the statement required by paragraph (7)(a) to the relevant planning authority.

Requests for screening opinions

5.—(1) A person who is minded to carry out development may request the relevant planning authority to adopt a screening opinion.

(2) A request for a screening opinion in relation to an application for planning permission must be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and

- (c) unrhyw wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu gwneud.

(3) Rhaid i gais am farn sgrinio mewn perthynas â chais dilynol gael ei gyflwyno ynghyd â—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) digon o wybodaeth i alluogi'r awdurdod cynllunio perthnasol i ganfod unrhyw ganiatâd cynllunio a roddwyd i'r datblygiad mewn cysylltiad â chais dilynol sydd wedi ei wneud;
- (c) disgrifiad o effeithiau tebygol ar yr amgylchedd na chanfuwyd ar yr adeg y rhoddwyd y caniatâd cynllunio; a
- (d) unrhyw wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu gwneud.

(4) Os nad yw awdurdod sy'n cael cais am farn sgrinio yn ystyried ei fod wedi cael ei ddarparu â digon o wybodaeth i fabwysiadu barn, rhaid iddo roi gwybod beth yw'r pwyntiau lle y mae angen gwybodaeth ychwanegol arnynt i'r person sy'n gwneud y cais.

(5) Rhaid i awdurdod fabwysiadu barn sgrinio o fewn 21 diwrnod yn dechrau â'r dyddiad y ceir cais a wnaed yn unol â pharagraff (1) neu unrhyw gyfnod hwy y cytunir arno'n ysgrifenedig â'r person sy'n gwneud y cais.

(6) Rhaid i awdurdod sy'n mabwysiadu barn sgrinio yn unol â pharagraff (5) anfon copi i'r person a wnaeth y cais.

(7) Pan fo awdurdod—

- (a) yn methu â mabwysiadu barn sgrinio yn unol â pharagraff (5); neu
- (b) yn mabwysiadu barn i'r perwyl bod y datblygiad yn ddatblygiad AEA;

caiff y person a ofynnodd am y farn ofyn i Weinidogion Cymru wneud cyfarwyddyd sgrinio.

(8) Caiff y person wneud cais yn unol â pharagraff (7) hyd yn oed os nad yw'r awdurdod wedi cael gwybodaeth ychwanegol y mae wedi ei cheisio o dan baragraff (4).

Ceisiadau am gyfarwyddydau sgrinio gan Weinidogion Cymru

6.—(1) Rhaid i berson sy'n gwneud cais i Weinidogion Cymru wneud cyfarwyddyd sgrinio yn unol â rheoliad 5(7) (“person sy'n gwneud cais”) gyflwyno'r canlynol gyda'r cais—

- (a) copi o'r cais i'r awdurdod cynllunio perthnasol o dan reoliad 5(1) a'r dogfennau a ddaeth ynghyd â'r cais;

- (c) such other information or representations as the person making the request may wish to provide or make.

(3) A request for a screening opinion in relation to a subsequent application must be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;
- (c) a description of the likely effects on the environment which were not identified at the time that the planning permission was granted; and
- (d) such other information or representations as the person making the request may wish to provide or make.

(4) An authority receiving a request for a screening opinion must, if they consider that they have not been provided with sufficient information to adopt an opinion, notify the person making the request of the points on which they require additional information.

(5) An authority must adopt a screening opinion within 21 days beginning with the date of receipt of a request made pursuant to paragraph (1) or such longer period as may be agreed in writing with the person making the request.

(6) An authority which adopts a screening opinion pursuant to paragraph (5) must send a copy to the person who made the request.

(7) Where an authority—

- (a) fails to adopt a screening opinion pursuant to paragraph (5); or
- (b) adopts an opinion to the effect that the development is EIA development;

the person who requested the opinion may request the Welsh Ministers to make a screening direction.

(8) The person may make a request pursuant to paragraph (7) even if the authority have not received additional information which they have sought under paragraph (4).

Requests for screening directions of the Welsh Ministers

6.—(1) A person who pursuant to regulation 5(7) requests the Welsh Ministers to make a screening direction (a “person making a request”) must submit with the request—

- (a) a copy of the request to the relevant planning authority under regulation 5(1) and the documents which accompanied it;

- (b) copi o unrhyw hysbysiad a gafwyd o dan reoliad 5(4) ac unrhyw ymateb a anfonwyd;
- (c) copi o unrhyw farn sgrinio a gafwyd gan yr awdurdod ac unrhyw ddatganiad o'r rhesymau a ddaeth ynghyd â'r farn; a
- (d) unrhyw sylwadau y dymuna'r person eu gwneud.

(2) Rhaid i berson sy'n gwneud cais anfon copi o'r cais hwnnw a'r sylwadau a wneir gan y person hwnnw i Weinidogion Cymru i'r awdurdod cynllunio perthnasol.

(3) Os yw Gweinidogion Cymru yn ystyried nad oes digon o wybodaeth wedi ei darparu i wneud cyfarwyddyd sgrinio, rhaid iddynt hysbysu'r person sy'n gwneud y cais.

(4) Rhaid i'r hysbysiad bennu'r pwyntiau y mae angen gwybodaeth ychwanegol amdanynt.

(5) Caiff Gweinidogion Cymru hefyd ofyn i'r awdurdod cynllunio perthnasol ddarparu cymaint o wybodaeth ag y gall am unrhyw rai o'r pwyntiau hynny.

(6) Rhaid i Weinidogion Cymru wneud cyfarwyddyd sgrinio o fewn 21 diwrnod yn dechrau â'r dyddiad y ceir cais yn unol â rheoliad 5(7) neu unrhyw gyfnod hwy y gwneir yn ofynnol yn rhesymol.

(7) Rhaid i Weinidogion Cymru anfon copi o unrhyw gyfarwyddyd sgrinio a wneir yn unol â pharagraff (6) i'r person a wnaeth y cais cyn gynted ag y mae'n rhesymol ymarferol.

- (b) a copy of any notification received under regulation 5(4) and of any response sent;
- (c) a copy of any screening opinion received from the authority and of any accompanying statement of reasons; and
- (d) any representations that the person wishes to make.

(2) A person making a request must send to the relevant planning authority a copy of that request and the representations that person makes to the Welsh Ministers.

(3) If the Welsh Ministers consider that sufficient information to make a screening direction has not been provided, they must give notice to the person making the request.

(4) The notice must specify the points on which additional information is required.

(5) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(6) The Welsh Ministers must make a screening direction within 21 days beginning with the date of receipt of a request pursuant to regulation 5(7) or such longer period as may be reasonably required.

(7) The Welsh Ministers must send a copy of any screening direction made pursuant to paragraph (6) to the person who made the request as soon as reasonably practicable.

RHAN 3

Gweithdrefnau Ynghylch Ceisiadau am Ganiatâd Cynllunio

Ceisiadau pan ymddengys bod barn sgrinio yn ofynnol

7. Pan ymddengys i'r awdurdod cynllunio perthnasol—

- (a) bod cais sydd ger ei fron i benderfynu arno yn gais Atodlen 1 neu'n gais Atodlen 2;
- (b) nad yw'r datblygiad dan sylw wedi bod yn destun barn sgrinio neu gyfarwyddyd sgrinio; a
- (c) nad oes ynghyd â'r cais datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn,

mae paragraffau (4) a (5) o reoliad 5 yn gymwys fel pe bai cael neu gofnodi'r cais yn ofyniad a wnaed o dan reoliad 5(1).

PART 3

Procedures Concerning Applications for Planning Permission

Applications which appear to require screening opinion

7. Where it appears to the relevant planning authority that—

- (a) an application which is before them for determination is a Schedule 1 application or a Schedule 2 application;
- (b) the development in question has not been the subject of a screening opinion or screening direction; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (4) and (5) of regulation 5 apply as if the receipt or lodging of the application were a request made under regulation 5(1).

Ceisiadau dilynol pan ddarparwyd gwybodaeth amgylcheddol yn flaenorol

8.—(1) Mae'r rheoliad hwn yn gymwys pan ymddengys i'r awdurdod cynllunio perthnasol—

- (a) bod cais sydd ger ei fron i'w benderfynu—
 - (i) yn gais dilynol mewn perthynas â datblygiad Atodlen 1 neu ddatblygiad Atodlen 2;
 - (ii) heb fod yn destun barn sgrinio neu gyfarwyddyd sgrinio ei hun; a
 - (iii) heb ei gyflwyno ynghyd â datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn; a
- (b) bod y cais gwreiddiol wedi ei gyflwyno ynghyd â datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn.

(2) Pan ymddengys i'r awdurdod cynllunio perthnasol bod yr wybodaeth amgylcheddol sydd eisoes ger ei fron yn ddigonol ar gyfer asesu effeithiau amgylcheddol y datblygiad, rhaid iddo gymryd yr wybodaeth honno i ystyriaeth yn ei benderfyniad ynglŷn â chaniatâd dilynol.

(3) Pan ymddengys i'r awdurdod cynllunio perthnasol nad yw'r wybodaeth amgylcheddol a gyflwynwyd ger ei fron eisoes yn ddigonol ar gyfer asesu effeithiau amgylcheddol y datblygiad, rhaid iddo gyflwyno hysbysiad yn ceisio gwybodaeth bellach yn unol â rheoliad 22(1).

Ceisiadau dilynol pan na ddarparwyd gwybodaeth amgylcheddol ynghyd â hwy yn flaenorol

9. Pan ymddengys i'r awdurdod cynllunio perthnasol—

- (a) bod cais sydd ger ei fron i'w benderfynu—
 - (i) yn gais dilynol mewn perthynas â datblygiad Atodlen 1 neu ddatblygiad Atodlen 2;
 - (ii) heb fod yn destun barn sgrinio neu gyfarwyddyd sgrinio ei hun; a
 - (iii) heb ei gyflwyno ynghyd â datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn; a
- (b) bod y cais gwreiddiol heb ei gyflwyno ynghyd â datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn,

Subsequent applications where environmental information previously provided

8.—(1) This regulation applies where it appears to the relevant planning authority that—

- (a) an application which is before them for determination—
 - (i) is a subsequent application in relation to Schedule 1 or Schedule 2 development;
 - (ii) has not itself been the subject of a screening opinion or screening direction; and
 - (iii) is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations; and
- (b) the original application was accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations.

(2) Where it appears to the relevant planning authority that the environmental information already before them is adequate to assess the environmental effects of the development, they must take that information into consideration in their decision for subsequent consent.

(3) Where it appears to the relevant planning authority that the environmental information already before them is not adequate to assess the environmental effects of the development, they must serve a notice seeking further information in accordance with regulation 22(1).

Subsequent applications where environmental information not previously provided

9. Where it appears to the relevant planning authority that—

- (a) an application which is before them for determination—
 - (i) is a subsequent application in relation to Schedule 1 or Schedule 2 development;
 - (ii) has not itself been the subject of a screening opinion or screening direction; and
 - (iii) is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations; and
- (b) the original application was not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

mae paragraffau (4) a (5) o reoliad 5 yn gymwys fel pe bai cael neu gofnodi'r cais yn ofyniad a wnaed o dan reoliad 5(1).

Cais a wnaed i awdurdod cynllunio lleol heb ddatganiad amgylcheddol

10.—(1) Pan nad oes datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn, yn cael ei gyflwyno â chais AEA i awdurdod cynllunio lleol er mwyn penderfynu arno, rhaid i'r awdurdod hysbysu'r ceisydd bod cyflwyno datganiad amgylcheddol yn ofynnol.

(2) Pan fo'r awdurdod cynllunio perthnasol yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb lleol, rhaid i'r awdurdod cynllunio perthnasol roi gwybod i'r ceisydd am unrhyw berson o'r fath.

(3) Rhaid i awdurdod hysbysu'r ceisydd yn unol â pharagraff (1)—

- (a) o fewn 21 diwrnod yn dechrau â'r dyddiad y ceir y cais neu unrhyw gyfnod hwy y cytunir arno'n ysgrifenedig gyda'r ceisydd; neu
- (b) pan fo Gweinidogion Cymru, ar ôl terfyn y 21 diwrnod hwnnw neu unrhyw gyfnod hwy y cytunwyd arno, yn gwneud cyfarwyddyd sgrinio i'r perwyl bod y datblygiad yn ddatblygiad AEA, o fewn 7 diwrnod yn dechrau â'r dyddiad y cafodd yr awdurdod gopi o'r cyfarwyddyd sgrinio hwnnw.

(4) Caiff ceisydd sy'n cael hysbysiad yn unol â pharagraff (1) ysgrifennu at yr awdurdod o fewn 21 diwrnod yn dechrau gyda dyddiad yr hysbysiad, i ddatgan—

- (a) bod y ceisydd yn derbyn ei farn ac yn darparu datganiad amgylcheddol; neu
- (b) oni bai bod yr amod y cyfeirir ato ym mharagraff (5) yn cael ei fodloni, bod y ceisydd yn ysgrifennu at Weinidogion Cymru i ofyn am gyfarwyddyd sgrinio.

(5) At ddiben paragraff (4)(b) yr amod yw bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio—

- (a) mewn cysylltiad â'r datblygiad, yn achos cais am ganiatâd cynllunio; neu
- (b) yn unol â chais dilynol, yn ôl y digwydd.

paragraphs (4) and (5) of regulation 5 apply as if the receipt or lodging of the application were a request made under regulation 5(1).

Application made to a local planning authority without an environmental statement

10.—(1) Where an EIA application before a local planning authority for determination is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the authority must notify the applicant that the submission of an environmental statement is required.

(2) Where the relevant planning authority is aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, the relevant planning authority must notify the applicant of any such person.

(3) An authority must notify the applicant in accordance with paragraph (1)—

- (a) within 21 days beginning with the date of receipt of the application or such longer period as may be agreed in writing with the applicant; or
- (b) where the Welsh Ministers, after the expiry of that 21 days or any longer agreed period, make a screening direction to the effect that the development is EIA development, within 7 days beginning with the date the authority received a copy of that screening direction.

(4) An applicant receiving a notification pursuant to paragraph (1) may, within 21 days beginning with the date of the notification, write to the authority stating—

- (a) that the applicant accepts their view and is providing an environmental statement; or
- (b) unless the condition referred to in paragraph (5) is satisfied, that the applicant is writing to the Welsh Ministers to request a screening direction.

(5) For the purpose of paragraph (4)(b) the condition is that the Welsh Ministers have made a screening direction—

- (a) in respect of the development, in the case of an application for planning permission; or
- (b) pursuant to a subsequent application, as the case may be.

(6) Os nad yw'r ceisydd yn ysgrifennu at yr awdurdod yn unol â pharagraff (4), tybir bod y caniatâd neu'r caniatâd dilynol a geisir wedi ei wrthod ar ddiwedd y cyfnod perthnasol o 21 diwrnod, oni bai bod yr amod y cyfeirir ato ym mharagraff (7) yn cael ei fodloni a bod y gwrthodiad tybiedig—

- (a) yn cael ei drin fel penderfyniad yr awdurdod at ddibenion erthygl 29(3)(c) (cofrestr o geisiadau) o Orchymyn 2012; ond
- (b) nad yw'n arwain at apel i Weinidogion Cymru o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath)(1).

(7) At ddibenion paragraff (6) yr amod yw bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio i'r perwyl nad yw'r datblygiad yn ddatblygiad AEA—

- (a) yn achos cais am ganiatâd cynllunio; neu
- (b) yn unol â chais dilynol, yn ôl y digwydd.

(8) Oni bai bod Gweinidogion Cymru yn gwneud cyfarwyddyd sgrinio i'r perwyl nad yw'r datblygiad yn ddatblygiad AEA, rhaid i awdurdod sydd wedi rhoi hysbysiad yn unol â pharagraff (1) benderfynu ar y cais perthnasol dim ond drwy wrthod caniatâd cynllunio neu ganiatâd dilynol os nad yw'r ceisydd yn cyflwyno datganiad amgylcheddol ac yn cydymffurfio â rheoliad 17(6).

(9) Rhaid i berson sy'n gwneud cais am gyfarwyddyd sgrinio yn unol â pharagraff (4)(b) anfon copïau o'r canlynol i Weinidogion Cymru gyda'r cais—

- (a) y cais;
- (b) pob dogfen a anfonwyd i'r awdurdod yn rhan o'r cais;
- (c) pob gohebiaeth rhwng y ceisydd a'r awdurdod sy'n ymwneud â'r datblygiad arfaethedig;
- (d) copi o unrhyw ganiatâd cynllunio a roddwyd ar gyfer y datblygiad; ac

(6) If the applicant does not write to the authority in accordance with paragraph (4), the permission or subsequent consent sought is deemed to be refused at the end of the relevant 21 days, unless the condition referred to in paragraph (7) is satisfied and the deemed refusal—

- (a) is treated as a decision of the authority for the purposes of article 29(3)(c) (register of applications) of the 2012 Order; but
- (b) does not give rise to an appeal to the Welsh Ministers under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)(1).

(7) For the purpose of paragraph (6) the condition is that the Welsh Ministers have made a screening direction to the effect that the development is not EIA development—

- (a) in the case of an application for planning permission; or
- (b) pursuant to a subsequent application, as the case may be.

(8) Unless the Welsh Ministers make a screening direction to the effect that the development is not EIA development an authority which has given a notification in accordance with paragraph (1) must determine the relevant application only by refusing planning permission or subsequent consent if the applicant does not submit an environmental statement and comply with regulation 17(6).

(9) A person who requests a screening direction pursuant to paragraph (4)(b) must send to the Welsh Ministers with the request copies of—

- (a) the application;
- (b) all documents sent to the authority as part of the application;
- (c) all correspondence between the applicant and the authority relating to the proposed development;
- (d) a copy of any planning permission granted for the development; and

(1) Diwygiwyd adran 78 gan Ddeddf 1991, adran 17(2); Deddf Cynllunio a Phrynu Gorfodol 2004 (p. 5), adran 43(2); Deddf Lleoliaeth 2011 (p. 20), adran 121 ac Atodlen 12, paragraffau 1 ac 11 ac adran 123(1) a (3); Deddf Cynllunio 2008 (p. 29), adran 196(4) ac Atodlen 10, paragraffau 1 a 3, adran 197 ac Atodlen 11, paragraffau 1 a 2; Deddf Twf a Seilwaith 2013 (p. 27), adran 1(2) ac Atodlen 1, paragraffau 1 ac 8; Deddf Cynllunio (Cymru) 2015, adrannau 45 a 46; a chan O.S. 2014/2773 (Cy. 280), erthygl 3 ac Atodlen 1, paragraffau 1 a 3. Mae diwygiad arall nad yw'n berthnasol i'r offeryn hwn.

(1) Section 78 was amended by the 1991 Act, section 17(2); the Planning and Compulsory Purchase Act 2004 (c. 5), section 43(2); the Localism Act 2011 (c. 20), section 121 and Schedule 12, paragraphs 1 and 11 and section 123(1) and (3); the Planning Act 2008 (c. 29), section 196(4) and Schedule 10, paragraphs 1 and 3, section 197 and Schedule 11, paragraphs 1 and 2; the Growth and Infrastructure Act 2013 (c. 27), section 1(2) and Schedule 1, paragraphs 1 and 8; the Planning (Wales) Act 2015, sections 45 and 46; and by S.I. 2014/2773 (W. 280), article 3 and Schedule 1, paragraphs 1 and 3. There is another amendment which is not relevant to this instrument.

- (e) yn achos cais dilynol, dogfennau neu wybodaeth berthnasol sy'n ymwneud â'r caniatâd cynllunio a roddwyd ar gyfer y datblygiad,

ac mae paragraffau (2) i (7) o reoliad 6 yn gymwys i gais o dan y rheoliad hwn fel y maent yn gymwys i gais a wneir yn unol â rheoliad 5(7).

Cais a atgyfeirir i Weinidogion Cymru heb ddatganiad amgylcheddol

11.—(1) Pan fo cais wedi ei atgyfeirio i Weinidogion Cymru i gael ei benderfynu o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau i Weinidogion Cymru)(1), ac mae'n ymddangos i Weinidogion Cymru—

- (a) ei fod yn gais AEA;
- (b) bod y datblygiad dan sylw—
 - (i) heb fod yn destun barn sgrinio neu gyfarwyddyd sgrinio; neu
 - (ii) yn achos cais dilynol, wedi bod yn destun barn neu gyfeiriad sgrinio cyn y rhoddwyd caniatâd cynllunio i'r perwyl nad oedd yn ddatblygiad AEA; ac
- (c) nad oes datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn yn cael ei gyflwyno ynghyd â'r cais,

mae paragraffau (3) a (4) o reoliad 6 yn gymwys fel pe bai atgyfeiro'r cais yn gais a wnaed gan y ceisydd yn unol â rheoliad 5(7).

(2) Pan fo cais wedi ei atgyfeirio i Weinidogion Cymru i gael ei benderfynu, ac yr ymddengys i Weinidogion Cymru—

- (a) ei fod yn gais AEA,
- (b) nad yw paragraff (1)(b) yn gymwys; ac
- (c) nad oes datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn yn cael ei gyflwyno ynghyd â'r cais,

rhaid i Weinidogion Cymru hysbysu'r ceisydd bod cyflwyno datganiad amgylcheddol yn ofynnol a rhaid iddynt anfon copi o'r hysbysiad hwnnw i'r awdurdod cynllunio perthnasol.

- (e) in the case of a subsequent application, relevant documents or information relating to the planning permission granted for the development,

and paragraphs (2) to (7) of regulation 6 apply to a request under this regulation as they apply to a request made pursuant to regulation 5(7).

Application referred to the Welsh Ministers without an environmental statement

11.—(1) Where an application has been referred to the Welsh Ministers for determination under section 77 of the 1990 Act (reference of applications to the Welsh Ministers)(1), and it appears to the Welsh Ministers that—

- (a) it is an EIA application;
- (b) the development in question—
 - (i) has not been the subject of a screening opinion or screening direction; or
 - (ii) in the case of a subsequent application, was the subject of a screening opinion or direction before planning permission was granted to the effect that it was not EIA development; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 6 apply as if the referral of the application were a request made by the applicant pursuant to regulation 5(7).

(2) Where an application has been referred to the Welsh Ministers for determination, and it appears to the Welsh Ministers that—

- (a) it is an EIA application,
- (b) paragraph (1)(b) does not apply; and
- (c) the application is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the Welsh Ministers must notify the applicant that the submission of an environmental statement is required and must send a copy of that notification to the relevant planning authority.

(1) Diwygiwyd adran 77 gan Ddeddf 1991, adran 32, Atodlen 7, paragraff 18; Deddf Seilwaith 2015 (p. 7), adran 30(1) ac Atodlen 4, Rhan 2, paragraffau 2 ac 11(a), a gan O.S. 2014/2773 (Cy. 280), erthygl 3 ac Atodlen 1, paragraffau 1 a 2. Mae diwygiadau eraill nad ydynt yn berthnasol i'r offeryn hwn.

(1) Section 77 was amended by the 1991 Act, section 32, Schedule 7, paragraph 18; the Infrastructure Act 2015 (c. 7), section 30(1) and Schedule 4, Part 2, paragraphs 2 and 11(a); and by S.I. 2014/2773 (W. 280), article 3 and Schedule 1, paragraphs 1 and 2. There are other amendments which are not relevant to this instrument.

(3) Rhaid i Weinidogion Cymru hysbysu'r ceisydd yn unol â pharagraff (2) o fewn 21 diwrnod yn dechrau â'r dyddiad y cafwyd y cais neu unrhyw gyfnod hwy y gwneir yn ofynnol yn rhesymol.

(4) Pan fo Gweinidogion Cymru yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb lleol, rhaid iddynt roi gwybod i'r ceisydd am unrhyw berson o'r fath.

(5) Caiff ceisydd sy'n cael hysbysiad o dan baragraff (2) gadarnhau i Weinidogion Cymru, o fewn 21 diwrnod yn dechrau gyda dyddiad yr hysbysiad, y bydd datganiad amgylcheddol yn cael ei ddarparu.

(6) Os nad yw'r ceisydd yn ysgrifennu'n unol â pharagraff (5), nid oes gan Weinidogion Cymru ddyletswydd i ymdrin â'r cais ac ar ddiwedd y cyfnod o 21 diwrnod rhaid iddynt hysbysu'r ceisydd nad oes unrhyw gamau pellach yn cael eu cymryd ynglŷn â'r cais.

(7) Pan—

(a) fo hysbysiad wedi ei roi o dan baragraff (2), a

(b) nad yw'r ceisydd yn cyflwyno datganiad amgylcheddol sy'n cydymffurfio â rheoliad 17(6),

rhaid i Weinidogion Cymru benderfynu ar y cais perthnasol dim ond drwy wrthod caniatâd cynllunio neu ganiatâd dilynol.

Apêl i Weinidogion Cymru heb ddatganiad amgylcheddol

12.—(1) Pan ymddengys i Weinidogion Cymru, wrth ystyried apêl o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath) bod—

(a) y cais perthnasol yn gais AEA; a

(b) y datblygiad dan sylw—

(i) heb fod yn destun barn sgrinio na chyfarwyddyd sgrinio; neu

(ii) yn achos cais dilynol, wedi bod yn destun barn neu gyfarwyddyd sgrinio cyn y rhoddwyd caniatâd cynllunio iddo i'r perwyl nad yw'n ddatblygiad AEA; ac

(c) y cais perthnasol heb gael ei gyflwyno ynghyd â datganiad y cyfeirir ato gan yr apelydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn,

mae paragraffau (3) a (4) o reoliad 6 yn gymwys fel pe bai'r apêl yn gais a wnaed gan yr apelydd yn unol â rheoliad 5(7).

(3) The Welsh Ministers must notify the applicant in accordance with paragraph (2) within 21 days beginning with the date the application was received or such longer period as may be reasonably required.

(4) Where the Welsh Ministers are aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, they must notify the applicant of any such person.

(5) An applicant who receives a notification under paragraph (2) may, within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(6) If the applicant does not write in accordance with paragraph (5), the Welsh Ministers do not have a duty to deal with the application and at the end of the 21 days they must inform the applicant that no further action is being taken on the application.

(7) Where—

(a) a notification has been given under paragraph (2), and

(b) the applicant does not submit an environmental statement which complies with regulation 17(6),

the Welsh Ministers must determine the relevant application only by refusing planning permission or subsequent consent.

Appeal to the Welsh Ministers without an environmental statement

12.—(1) Where, on consideration of an appeal under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) it appears to the Welsh Ministers that—

(a) the relevant application is an EIA application; and

(b) the development in question—

(i) has not been the subject of a screening opinion or screening direction; or

(ii) in the case of a subsequent application, was the subject of a screening opinion or direction before planning permission was granted to the effect that it is not EIA development; and

(c) the relevant application is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations,

paragraphs (3) and (4) of regulation 6 apply as if the appeal were a request made by the appellant pursuant to regulation 5(7).

(2) Pan fo arolygydd yn ymdrin ag apêl ac mae cwestiwn yn codi ynghylch a yw'r cais perthnasol yn gais AEA ac yr ymddengys i'r arolygydd y gallai fod yn gais o'r fath, rhaid i'r arolygydd atgyfeirio'r cwestiwn hwnnw i Weinidogion Cymru ac ni chaiff benderfynu ar yr apêl cyn y gwneir cyfarwyddyd sgrinio, ac eithrio drwy wrthod caniatâd cynllunio neu ganiatâd dilynol.

(3) Mae paragraffau (3) a (4) o reoliad 6 yn gymwys i gwestiwn a atgyfeirir o dan baragraff (2) fel pe bai atgyfeirio'r cwestiwn hwnnw yn gais a wneir gan yr apelydd yn unol â rheoliad 5(7).

(4) Pan ymddengys i Weinidogion Cymru bod y cais perthnasol yn gais AEA ac nad yw'n cael ei gyflwyno ynghyd â datganiad y cyfeirir ato gan yr apelydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn, rhaid iddynt hysbysu'r apelydd bod cyflwyno datganiad amgylcheddol yn ofynnol a rhaid iddynt anfon copi o'r hysbysiad hwnnw i'r awdurdod cynllunio perthnasol.

(5) Pan fo Gweinidogion Cymru yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb lleol, rhaid iddynt roi gwybod i'r apelydd am unrhyw berson o'r fath.

(6) Caiff apelydd sy'n cael hysbysiad o dan baragraff (4), gadarnhau i Weinidogion Cymru o fewn 21 diwrnod yn dechrau gyda dyddiad yr hysbysiad y bydd datganiad amgylcheddol yn cael ei ddarparu.

(7) Os nad yw'r apelydd yn ysgrifennu yn unol â pharagraff (6), nid oes gan Weinidogion Cymru, na'r arolygydd pan fo hynny'n berthnasol, ddyletswydd i ymdrin â'r apêl; ac ar ddiwedd y 21 diwrnod, rhaid i Weinidogion Cymru, neu'r arolygydd, hysbysu'r apelydd nad oes unrhyw gamau pellach yn cael eu cymryd ar yr apêl.

(8) Pan—

(a) fo hysbysiad wedi ei roi o dan baragraff (4), a

(b) nad yw'r apelydd yn cyflwyno datganiad amgylcheddol ac yn cydymffurfio â rheoliad 17(6),

rhaid i Weinidogion Cymru neu, pan fo hynny'n berthnasol, yr arolygydd benderfynu ar yr apêl dim ond drwy wrthod caniatâd cynllunio neu ganiatâd dilynol.

(2) Where an inspector is dealing with an appeal and a question arises as to whether the relevant application is an EIA application and it appears to the inspector that it may be such an application, the inspector must refer that question to the Welsh Ministers and must not determine the appeal before a screening direction is made, except by refusing planning permission or subsequent consent.

(3) Paragraphs (3) and (4) of regulation 6 apply to a question referred under paragraph (2) as if the referral of that question were a request made by the appellant pursuant to regulation 5(7).

(4) Where it appears to the Welsh Ministers that the relevant application is an EIA application and is not accompanied by a statement referred to by the appellant as an environmental statement for the purposes of these Regulations, they must notify the appellant that the submission of an environmental statement is required and must send a copy of that notification to the relevant planning authority.

(5) Where the Welsh Ministers are aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, they must notify the appellant of any such person.

(6) An appellant who receives a notification under paragraph (4), may within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(7) If the appellant does not write in accordance with paragraph (6), the Welsh Ministers have or, where relevant, the inspector has, no duty to deal with the appeal; and at the end of the 21 days the Welsh Ministers, or the inspector, must inform the appellant that no further action is being taken on the appeal.

(8) Where—

(a) a notification has been given under paragraph (4), and

(b) the appellant does not submit an environmental statement and comply with regulation 17(6),

the Welsh Ministers or, where relevant, the inspector must determine the appeal only by refusing planning permission or subsequent consent.

RHAN 4

Paratoi Datganiadau Amgylcheddol

Barnau cwmpasu

13.—(1) Caiff person sy'n bwriadu gwneud cais AEA ofyn i'r awdurdod cynllunio perthnasol ddarparu barn gwmpasu.

(2) Rhaid i gais o dan baragraff (1) gynnwys—

(a) mewn perthynas â chais am ganiatâd cynllunio—

(i) plan sy'n ddigonol i adnabod y tir;

(ii) disgrifiad byr o natur a phwrpas y datblygiad a'i effeithiau posibl ar yr amgylchedd; a

(iii) unrhyw wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu gwneud.

(b) mewn perthynas â chais dilynol—

(i) plan sy'n ddigonol i adnabod y tir;

(ii) digon o wybodaeth i alluogi'r awdurdod cynllunio perthnasol i ganfod unrhyw ganiatâd cynllunio a roddwyd i'r datblygiad mewn cysylltiad â chais dilynol sydd wedi ei wneud;

(iii) disgrifiad o effeithiau posibl ar yr amgylchedd na chanfuwyd ar yr adeg y rhoddwyd y caniatâd cynllunio; a

(iv) unrhyw wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu gwneud.

(3) Os nad yw awdurdod sy'n cael cais o dan baragraff (1) yn ystyried ei fod wedi cael ei ddarparu â digon o wybodaeth i fabwysiadu barn sgrinio, rhaid iddo roi gwybod i'r person sy'n gwneud y cais am y pwyntiau lle y mae angen gwybodaeth ychwanegol arnynt.

(4) Rhaid i awdurdod beidio â mabwysiadu barn gwmpasu mewn ymateb i gais o dan baragraff (1) hyd nes ei fod wedi ymgynghori â'r person a wnaeth y cais a'r ymgynghoreion, ond rhaid iddo, yn unol â pharagraff (5), fabwysiadu barn gwmpasu ac anfon copi i'r person a wnaeth y cais o fewn 5 wythnos yn dechrau â'r dyddiad y ceir y cais neu unrhyw gyfnod hwy y cytunir arno yn ysgrifenedig â'r person a wnaeth y cais.

(5) Pan fo person wedi gofyn i'r awdurdod am farn o dan baragraff (1) uchod ar yr un pryd â gwneud cais am farn sgrinio o dan reoliad 5(1), ac mae'r awdurdod wedi mabwysiadu barn sgrinio i'r perwyl bod y datblygiad yn ddatblygiad AEA, rhaid i'r awdurdod fabwysiadu barn gwmpasu ac anfon copi i'r person a

PART 4

Preparation of Environmental Statements

Scoping opinions

13.—(1) A person who is minded to make an EIA application may ask the relevant planning authority to provide a scoping opinion.

(2) A request under paragraph (1) must include—

(a) in relation to an application for planning permission—

(i) a plan sufficient to identify the land;

(ii) a brief description of the nature and purpose of the development and of its possible effects on the environment; and

(iii) such other information or representations as the person making the request may wish to provide or make;

(b) in relation to a subsequent application—

(i) a plan sufficient to identify the land;

(ii) sufficient information to enable the relevant planning authority to identify any planning permission granted for the development in respect of which a subsequent application has been made;

(iii) a description of the possible effects on the environment which were not identified at the time planning permission was granted; and

(iv) such other information or representations as the person making the request may wish to provide or make.

(3) An authority receiving a request under paragraph (1) must, if they consider that they have not been provided with sufficient information to adopt a scoping opinion, notify the person who made the request of the points on which they require additional information.

(4) An authority must not adopt a scoping opinion in response to a request under paragraph (1) until they have consulted the person who made the request and the consultees, but must, subject to paragraph (5), within 5 weeks beginning with the date of receipt of that request or such longer period as may be agreed in writing with the person who made the request, adopt a scoping opinion and send a copy to the person who made the request.

(5) Where a person has, at the same time as making a request for a screening opinion under regulation 5(1), asked the authority for an opinion under paragraph (1) above, and the authority have adopted a screening opinion to the effect that the development is EIA development, the authority must, within 5 weeks

wnaeth y cais o fewn 5 wythnos yn dechrau â'r dyddiad y mabwysiadwyd y farn sgrinio honno neu unrhyw gyfnod hwy y cytunir arno yn ysgrifenedig â'r person a wnaeth y cais.

(6) Cyn mabwysiadu barn gwmpasu, rhaid i'r awdurdod gymryd y canlynol i ystyriaeth—

- (a) nodweddion neilltuol y datblygiad penodol;
- (b) nodweddion neilltuol y datblygiad o'r math dan sylw; ac
- (c) y nodweddion amgylcheddol y mae'r datblygiad yn debygol o effeithio arnynt.

(7) Pan fo awdurdod yn methu â mabwysiadu barn gwmpasu o fewn y cyfnod perthnasol a grybwyllir ym mharagraff (4) neu (5), caiff y person a wnaeth gais am y farn ofyn i Weinidogion Cymru wneud cyfarwyddyd cwmpasu o dan reoliad 14(1).

(8) Mae paragraff (7) yn gymwys hyd yn oed os nad yw'r awdurdod wedi cael gwybodaeth ychwanegol y mae wedi ei cheisio o dan baragraff (3).

(9) Nid oes unrhyw beth yn atal awdurdod sydd wedi mabwysiadu barn gwmpasu rhag ei gwneud yn ofynnol i'r person a wnaeth y cais ddarparu gwybodaeth ychwanegol.

(10) Ystyr “gwybodaeth ychwanegol” (“*additional information*”) ym mharagraff (9) yw gwybodaeth mewn cysylltiad ag unrhyw ddatganiad y caniateir ei gyflwyno gan y person hwnnw fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn mewn cysylltiad â chais am ganiatâd cynllunio neu gais dilynol ar gyfer yr un datblygiad.

Cyfarwyddydau cwmpasu

14.—(1) Rhaid i gais a wneir o dan y paragraff hwn yn unol â rheoliad 13(7) gynnwys—

- (a) copi o'r cais i'r awdurdod cynllunio perthnasol o dan reoliad 13(1);
- (b) copi o unrhyw hysbysiad perthnasol o dan reoliad 13(3) ac o unrhyw ymateb;
- (c) copi o unrhyw farn sgrinio berthnasol a gafwyd gan y person sy'n gwneud y cais ac unrhyw ddatganiad o'r rhesymau sy'n mynd ynghyd â'r farn; a
- (d) unrhyw sylwadau y dymuna'r person sy'n gwneud y cais eu gwneud.

(2) Rhaid i berson sy'n gwneud cais anfon copi o'r cais hwnnw i'r awdurdod cynllunio perthnasol, ond nid oes angen i'r copi hwnnw gynnwys y materion a grybwyllir ym mharagraff (1)(a) i (c).

beginning with the date on which that screening opinion was adopted or such longer period as may be agreed in writing with the person who made the request, adopt a scoping opinion and send a copy to the person who made the request.

(6) Before adopting a scoping opinion the authority must take into account—

- (a) the specific characteristics of the particular development;
- (b) the specific characteristics of development of the type concerned; and
- (c) the environmental features likely to be affected by the development.

(7) Where an authority fail to adopt a scoping opinion within the relevant period mentioned in paragraph (4) or (5), the person who requested the opinion may ask the Welsh Ministers under regulation 14(1) to make a scoping direction.

(8) Paragraph (7) applies even if the authority has not received additional information which they have sought under paragraph (3).

(9) Nothing prevents an authority which have adopted a scoping opinion from requiring the person who made the request to provide additional information.

(10) “Additional information” (“*gwybodaeth ychwanegol*”) in paragraph (9) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations in connection with an application for planning permission or a subsequent application for the same development.

Scoping directions

14.—(1) A request made under this paragraph pursuant to regulation 13(7) must include—

- (a) a copy of the request to the relevant planning authority under regulation 13(1);
- (b) a copy of any relevant notification under regulation 13(3) and of any response;
- (c) a copy of any relevant screening opinion received by the person making the request and of the accompanying statement of reasons; and
- (d) any representations that the person making the request wishes to make.

(2) A person making a request must send to the relevant planning authority a copy of that request, but that copy need not include the matters mentioned in paragraph (1)(a) to (c).

(3) Os yw Gweinidogion Cymru yn ystyried nad yw'r wybodaeth a ddarparwyd yn unol â pharagraff (1) yn ddigonol er mwyn gwneud cyfarwyddyd cwmpasu, rhaid i Weinidogion Cymru hysbysu'r person sy'n gwneud y cais.

(4) Rhaid i'r hysbysiad nodi unrhyw bwyntiau y mae angen gwybodaeth ychwanegol amdanynt.

(5) Caiff Gweinidogion Cymru hefyd ofyn i'r awdurdod cynllunio perthnasol ddarparu cymaint o wybodaeth ag y gall ar unrhyw rai o'r pwyntiau hynny.

(6) Rhaid i Weinidogion Cymru—

(a) ymgynghori â'r person sy'n gwneud y cais a'r ymgynghoreion cyn gwneud cyfarwyddyd cwmpasu mewn ymateb i gais o dan baragraff (1), a

(b) gwneud cyfarwyddyd ac anfon copi i'r person sy'n gwneud y cais ac i'r awdurdod cynllunio perthnasol, o fewn y 5 wythnos sy'n dechrau â'r dyddiad y ceir y cais hwnnw neu unrhyw gyfnod hwy y gwneir yn ofynnol yn rhesymol.

(7) Cyn gwneud cyfarwyddyd cwmpasu rhaid i Weinidogion Cymru gymryd y materion a bennir yn rheoliad 13(6) i ystyriaeth.

(8) Nid oes unrhyw beth yn atal Gweinidogion Cymru, (ar ôl iddynt wneud cyfarwyddyd cwmpasu) na'r awdurdod cynllunio perthnasol rhag ei gwneud yn ofynnol i'r person sy'n gwneud y cais ddarparu gwybodaeth ychwanegol.

(9) Ystyr “gwybodaeth ychwanegol” (“*additional information*”) ym mharagraff (8) yw gwybodaeth mewn cysylltiad ag unrhyw ddatganiad y caniateir ei gyflwyno gan y person hwnnw fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn mewn cysylltiad â chais am ganiatâd cynllunio neu gais dilynol ar gyfer yr un datblygiad.

Gweithdrefn i hwyluso paratoi datganiadau amgylcheddol

15.—(1) Caiff unrhyw berson sy'n bwriadu cyflwyno datganiad amgylcheddol i'r awdurdod cynllunio perthnasol neu Weinidogion Cymru o dan y Rheoliadau hyn roi hysbysiad i'r awdurdod hwnnw neu i Weinidogion Cymru o dan y paragraff hwn.

(2) Rhaid i hysbysiad o dan baragraff (1) gynnwys yr wybodaeth sy'n angenrheidiol er mwyn adnabod y tir a natur a diben y datblygiad, a rhaid iddo ddangos y prif ganlyniadau amgylcheddol y mae'r person sy'n rhoi'r hysbysiad yn bwriadu cyfeirio atynt yn y datganiad amgylcheddol.

(3) Rhaid i dderbynnydd—

(a) hysbysiad o'r math a grybwyllir ym mharagraff (1); neu

(3) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the person making the request.

(4) The notice must set out any points on which additional information is required.

(5) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(6) The Welsh Ministers must—

(a) consult the person making the request and the consultees before making a scoping direction in response to a request under paragraph (1), and

(b) make a direction and send a copy to the person making the request and to the relevant planning authority, within 5 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.

(7) Before making a scoping direction the Welsh Ministers must take into account the matters specified in regulation 13(6).

(8) Nothing prevents the Welsh Ministers, (after they have made a scoping direction) nor the relevant planning authority from requiring the person making the request to provide additional information.

(9) “Additional information” (“*gwybodaeth ychwanegol*”) in paragraph (8) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations in connection with an application for planning permission or a subsequent application for the same development.

Procedure to facilitate preparation of environmental statements

15.—(1) Any person who intends to submit an environmental statement to the relevant planning authority or the Welsh Ministers under these Regulations may give notice to that authority or the Welsh Ministers under this paragraph.

(2) A notice under paragraph (1) must include the information necessary to identify the land and the nature and purpose of the development, and must indicate the main environmental consequences to which the person giving the notice proposes to refer in the environmental statement.

(3) The recipient of—

(a) such notice as is mentioned in paragraph (1); or

(b) datganiad neu gadarnhad a wneir yn unol â rheoliad 10(4)(a), 11(5) neu 12(6)—

- (i) hysbysu'r ymgynghoreion o enw a chyfeiriad y person sy'n bwriadu cyflwyno datganiad amgylcheddol a'r ddyletswydd a osodir ar yr ymgynghoreion gan baragraff (4) er mwyn sicrhau bod gwybodaeth ar gael i'r person hwnnw; a
- (ii) hysbysu'r person sy'n bwriadu cyflwyno datganiad amgylcheddol o enwau a chyfeiriadau'r ymgynghoreion a hysbyswyd.

(4) Yn ddarostyngedig i baragraff (5), rhaid i awdurdod cynllunio perthnasol ac unrhyw ymgynghorai a hysbysir yn unol â pharagraff (3), ymgynghori â'r person, os bydd y person hwnnw sy'n bwriadu cyflwyno datganiad amgylcheddol yn gofyn am hynny, er mwyn penderfynu a oes gan yr awdurdod neu'r ymgynghorai unrhyw wybodaeth yn eu meddiant y mae'r person hwnnw, neu y maent hwy, yn ei hystyried yn berthnasol ar gyfer paratoi'r datganiad amgylcheddol. Os oes ganddynt, rhaid i'r awdurdod neu'r ymgynghorai sicrhau bod yr wybodaeth honno ar gael i'r person hwnnw.

(5) Rhaid i awdurdod cynllunio perthnasol neu ymgynghorai sy'n cael cais am wybodaeth o dan baragraff (4) ei drin fel cais am wybodaeth o dan reoliad 5(1) o Reoliadau Gwybodaeth Amgylcheddol 2004(1).

RHAN 5

Cyhoeddusrwydd a Gweithdrefnau ar Gyflwyno Datganiadau Amgylcheddol

Y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i awdurdod cynllunio lleol

16.—(1) Rhaid i geisydd sy'n gwneud cais AEA i'r awdurdod cynllunio perthnasol gyflwyno datganiad hefyd, y bwriedir iddo fod yn ddatganiad amgylcheddol, a rhaid darparu un copi ychwanegol o'r datganiad i'r awdurdod i'w drosglwyddo i Weinidogion Cymru.

(2) Os yw'r geisydd yn cyflwyno copi o'r datganiad i unrhyw gorff arall ar yr un pryd ag y mae'n gwneud cais AEA, rhaid i'r geisydd—

- (a) cyflwyno copi o'r cais i'r corff ac unrhyw blân a gyflwynir gyda'r cais (oni bai eu bod wedi eu darparu i'r corff dan sylw eisoes);

(b) a statement or confirmation made pursuant to regulation 10(4)(a), 11(5) or 12(6) must—

- (i) notify the consultees of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultees by paragraph (4) to make information available to that person; and
- (ii) inform the person who intends to submit an environmental statement of the names and addresses of the consultees so notified.

(4) Subject to paragraph (5), the relevant planning authority and any consultee notified in accordance with paragraph (3) must, if requested by the person who intends to submit an environmental statement, enter into consultation with that person to determine whether the authority or consultee has in its possession any information which that person considers, or they consider, relevant to the preparation of the environmental statement. If they have, the authority or consultee must make that information available to that person.

(5) A relevant planning authority or consultee which receives a request for information under paragraph (4) must treat it as a request for information under regulation 5(1) of the Environmental Information Regulations 2004(1).

PART 5

Publicity and Procedures on Submission of Environmental Statements

Procedure where an environmental statement is submitted to a local planning authority

16.—(1) An applicant who makes an EIA application to the relevant planning authority must also submit a statement, intended to be an environmental statement and must provide the authority with one additional copy of the statement for transmission to the Welsh Ministers.

(2) If at the same time as it makes an EIA application the applicant serves a copy of the statement on any other body, the applicant must—

- (a) serve with it a copy of the application and any plan submitted with the application (unless these have already been provided to the body in question);

(1) O.S. 2004/3391.

(1) S.I. 2004/3391.

- (b) hysbysu'r corff y caniateir gwneud sylwadau i'r awdurdod cynllunio perthnasol; ac
- (c) hysbysu'r awdurdod o enw pob corff y cyflwynwyd iddo felly a dyddiad y cyflwyno.

(3) Pan fo awdurdod cynllunio perthnasol yn cael datganiad amgylcheddol, rhaid i'r awdurdod—

- (a) anfon un copi o'r datganiad, copi o'r cais perthnasol ac o unrhyw ddogfennau a gyflwynwyd gyda'r cais i Weinidogion Cymru o fewn 14 diwrnod ar ôl cael y datganiad;
- (b) hysbysu'r ceisydd o nifer y copïau sy'n ofynnol er mwyn galluogi'r awdurdod i gydymffurfio ag is-baragraff (c);
- (c) anfon copi o'r datganiad ymlaen i unrhyw ymgynghorai nad yw wedi cael copi yn uniongyrchol gan y ceisydd, a hysbysu unrhyw ymgynghorai o'r fath y caniateir iddo gyflwyno sylwadau;
- (d) pan fo'r awdurdod cynllunio perthnasol yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb lleol, anfon hysbysiad i berson o'r fath yn cynnwys y manylion a nodir yn rheoliad 17(2)(b) i (j) ac enw a chyfeiriad yr awdurdod cynllunio perthnasol.

(4) Rhaid i'r ceisydd anfon y copïau sy'n ofynnol at ddibenion paragraff (3)(c) i'r awdurdod cynllunio perthnasol.

(5) Pan fo ceisydd yn cyflwyno datganiad amgylcheddol i'r awdurdod yn unol â pharagraff (1), mae darpariaethau erthygl 12 o Orchymyn 2012 (cyhoeddusrwydd i geisiadau am ganiatâd cynllunio) ac Atodlen 3 i'r Gorchymyn hwnnw yn gymwys i gais dilynol fel y maent yn gymwys i gais cynllunio sy'n dod o fewn erthygl 12(2) o Orchymyn 2012 fel pe bai'r cyfeiriad yn yr hysbysiad yn Atodlen 3 i Orchymyn 2012 at "ganiatâd cynllunio i" yn darllen "ganiatâd, cytundeb neu gymeradwyaeth i".

(6) Rhaid i'r awdurdod cynllunio perthnasol beidio â phenderfynu ar y cais hyd nes y daw 21 diwrnod o'r dyddiad olaf y cyflwynwyd copi o'r datganiad yn unol â'r rheoliad hwn i ben.

Cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio

17.—(1) Pan fo cais am ganiatâd cynllunio neu gais dilynol wedi ei wneud heb ddatganiad amgylcheddol a bod y ceisydd yn bwriadu cyflwyno datganiad o'r fath, rhaid i'r ceisydd gydymffurfio â pharagraffau (2) i (5) cyn ei gyflwyno.

- (b) inform the body that representations may be made to the relevant planning authority; and
- (c) inform the authority of the name of every body so served and of the date of service.

(3) When a relevant planning authority receive an environmental statement, the authority must—

- (a) send to the Welsh Ministers, within 14 days of receipt of the statement, one copy of the statement, a copy of the relevant application and of any documents submitted with the application;
- (b) inform the applicant of the number of copies required to enable the authority to comply with sub-paragraph (c);
- (c) forward to any consultee which has not received a copy direct from the applicant, a copy of the statement and inform any such consultee that they may make representations;
- (d) where the relevant planning authority are aware of any particular person who is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, send a notice to such person containing the details set out in regulation 17(2)(b) to (j) and the name and address of the relevant planning authority.

(4) The applicant must send the copies required for the purposes of paragraph (3)(c) to the relevant planning authority.

(5) Where an applicant submits an environmental statement to the authority in accordance with paragraph (1), the provisions of article 12 of and Schedule 3 to the 2012 Order (publicity for applications for planning permission) apply to a subsequent application as they apply to a planning application falling within article 12(2) of the 2012 Order as if the reference in the notice in Schedule 3 to the 2012 Order to "planning permission to" read "consent, agreement or approval to".

(6) The relevant planning authority must not determine the application until the expiry of 21 days from the last date on which a copy of the statement was served in accordance with this regulation.

Publicity where an environmental statement is submitted after the planning application

17.—(1) Where an application for planning permission or a subsequent application has been made without an environmental statement and the applicant proposes to submit such a statement, the applicant must, before submitting it, comply with paragraphs (2) to (5).

(2) Rhaid i'r ceisydd gyhoeddi hysbysiad mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol lle y mae'r tir wedi ei leoli sy'n nodi—

- (a) enw'r ceisydd, bod cais yn cael ei wneud am ganiatâd cynllunio neu ganiatâd dilynol ac enw a chyfeiriad yr awdurdod cynllunio perthnasol;
- (b) y dyddiad y gwnaed y cais, a bod y cais wedi ei atgyfeirio at Weinidogion Cymru i gael ei benderfynu neu ei fod yn destun apêl i Weinidogion Cymru os gwnaed hynny;
- (c) cyfeiriad neu leoliad a natur y datblygiad arfaethedig;
- (d) bod—
 - (i) copi o'r cais, unrhyw blân a dogfennau eraill a gyflwynir ynghyd ag ef, a chopi o'r datganiad amgylcheddol, a
 - (ii) yn achos cais dilynol, copi o'r caniatâd cynllunio y gwnaed y cais hwnnw mewn cysylltiad ag ef a dogfennau ategol,ar gael i aelodau o'r cyhoedd edrych arnynt ar bob adeg resymol;
- (e) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle mae'r dogfennau hynny ar gael i'r cyhoedd edrych arnynt, a'r dyddiad olaf y maent ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (f) cyfeiriad (pa un a yw yr un cyfeiriad a roddir o dan is-baragraff (e) ai peidio) yn yr ardal leol lle mae'r tir wedi ei leoli lle gellir cael copïau o'r datganiad;
- (g) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (h) os codir tâl am gopi, swm y tâl;
- (i) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau ynglŷn â'r cais wneud hynny, cyn y dyddiad a nodir yn unol ag is-baragraff (e), i'r awdurdod cynllunio perthnasol neu (yn achos cais a atgyfeirir at Weinidogion Cymru neu apêl) i Weinidogion Cymru; a

(2) The applicant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the applicant's name, that an application is being made for planning permission or subsequent consent and the name and address of the relevant planning authority;
- (b) the date on which the application was made and, if it be the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to the Welsh Ministers;
- (c) the address or location and the nature of the proposed development;
- (d) that—
 - (i) a copy of the application, any accompanying plan and other documents, and a copy of the environmental statement, and
 - (ii) in the case of a subsequent application, a copy of the planning permission in respect of which that application has been made and supporting documents,may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they are available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;
- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) that any person wishing to make representations about the application should make them, before the date stated in accordance with sub-paragraph (e), to the relevant planning authority or (in the case of an application referred to the Welsh Ministers or an appeal) to the Welsh Ministers; and

- (j) yn achos cais a atgyfeirir at Weinidogion Cymru neu apêl, y cyfeiriad, gan gynnwys cyfeiriad electronig, y dylid anfon sylwadau iddo.

(3) Rhaid i geisydd sy'n cael ei hysbysu o dan reoliad 10(2), 11(4) neu 12(5) ynghylch person o'r math a grybwyllir yn unrhyw un o'r paragraffau hynny gyflwyno hysbysiad i bob person o'r fath; a rhaid i'r hysbysiad gynnwys yr wybodaeth a bennir ym mharagraff (2), ond ni chaiff y dyddiad a nodir fel y dyddiad olaf y mae'r dogfennau ar gael i aelodau o'r cyhoedd edrych arnynt fod yn llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyflwynir yr hysbysiad gyntaf.

(4) Rhaid i'r ceisydd arddangos hysbysiad ar y tir sy'n cynnwys yr wybodaeth a bennir ym mharagraff (2), lle mae ganddo hawl i wneud hynny, neu lle y gellir caffael yr hawl yn rhesymol i wneud hynny, ond ni chaiff y dyddiad a nodir fel y dyddiad olaf y bydd y dogfennau ar gael i'r cyhoedd edrych arnynt fod yn llai na 21 diwrnod yn ddiweddarach na'r dyddiad yr arddangosir yr hysbysiad gyntaf.

(5) Rhaid i'r hysbysiad a grybwyllir ym mharagraff (4)—

- (a) cael ei adael yn ei le am gyfnod heb fod yn llai na 7 diwrnod yn y 28 diwrnod yn union cyn y dyddiad y cyflwynir y datganiad; a
- (b) cael ei osod yn gadarn ar rywbeth ar y tir a'i leoli a'i arddangos mewn modd sy'n golygu bod modd i aelodau o'r cyhoedd ei weld a'i ddarllen yn rhwydd heb fynd ar y tir.

(6) Rhaid i'r canlynol fynd ynghyd â'r datganiad pan y'i cyflwynir—

- (a) copi o'r hysbysiad a grybwyllir ym mharagraff (2) wedi ei ardystio gan neu ar ran y ceisydd mewn papur newydd a enwir ar ddyddiad a bennir yn y dystysgrif; a
- (b) tystysgrif gan neu ar ran y ceisydd sy'n nodi naill ai—
- (i) bod hysbysiad wedi ei arddangos ar y tir er mwyn cydymffurfio â'r rheoliad hwn a pha bryd y gwnaed hyn, a bod yr hysbysiad wedi ei adael yn ei le am gyfnod heb fod yn llai na 7 diwrnod yn y 28 diwrnod yn union cyn y dyddiad y cyflwynwyd y datganiad, neu ei fod, heb unrhyw fai na bwriad ar ran y ceisydd, wedi ei dynnu, ei guddio neu ei ddifwyno cyn diwedd y 7 diwrnod a bod y ceisydd wedi cymryd camau rhesymol i'w ddiogelu neu roi un newydd yn ei le, gan nodi'r camau a gymerwyd; neu

- (j) in the case of an application referred to the Welsh Ministers or an appeal, the address, including an electronic address, to which representations should be sent.

(3) An applicant who is notified under regulation 10(2), 11(4) or 12(5) of such a person as mentioned in any of those paragraphs must serve a notice on every such person; and the notice must contain the information specified in paragraph (2), except that the date stated as the latest date on which the documents are available for inspection must not be less than 21 days later than the date on which the notice is first served.

(4) The applicant must, where it has the right to, or can reasonably acquire the right to, post on the land a notice containing the information specified in paragraph (2), except that the date stated as the latest date on which the documents will be available for inspection must be not less than 21 days later than the date on which the notice is first posted.

(5) The notice mentioned in paragraph (4) must—

- (a) be left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement; and
- (b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

(6) The statement, when submitted, must be accompanied by—

- (a) a copy of the notice mentioned in paragraph (2) certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate; and
- (b) a certificate by or on behalf of the applicant which states either—
- (i) that a notice was posted on the land in compliance with this regulation and when this was done, and that the notice was left in position for not less than 7 days in the 28 days immediately preceding the date of the submission of the statement, or that, without any fault or intention on the applicant's part, it was removed, obscured or defaced before 7 days had elapsed and the applicant took reasonable steps for its protection or replacement, specifying the steps taken; or

- (ii) nad oedd modd i'r ceisydd gydymffurfio â pharagraffau (4) a (5) am nad oedd gan y ceisydd yr hawliau angenrheidiol i wneud hynny; bod unrhyw gamau rhesymol ar gael i gaffael yr hawliau hynny wedi eu cymryd ond yn aflwyddiannus, gan nodi'r camau a gymerwyd.

(7) Pan fo ceisydd yn dynodi bod y ceisydd yn bwriadu darparu datganiad o dan yr amgylchiadau a grybwyllir ym mharagraff (1), rhaid i'r awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd, yn ôl y digwydd, (oni bai y penderfynir gwrthod y caniatâd neu'r caniatâd dilynol a geisir) ohirio ystyried y cais neu'r apêl hyd nes y ceir y datganiad a'r dogfennau eraill a grybwyllir ym mharagraff (6); ac ni chaniateir penderfynu ar y cais na'r apêl yn ystod y cyfnod o 21 diwrnod sy'n dechrau â'r dyddiad y ceir y datganiad a'r dogfennau eraill a grybwyllwyd felly.

(8) Os bydd unrhyw berson—

- (a) yn dyroddi tystysgrif sy'n honni cydymffurfiad â gofynion paragraff (6)(b), neu
- (b) yn dyroddi tystysgrif yn ddi-hid sy'n honni cydymffurfiad â'r gofynion hynny,

ac sy'n cynnwys datganiad y mae'r person hwnnw yn gwybod ei fod yn anwir neu'n gamarweiniol mewn manylyn perthnasol, mae'r person hwnnw yn euog o drosedd ac yn agored yn dilyn euogfarn ddiannod i ddirwy nad yw'n uwch na lefel 3 ar y raddfa safonol.

(9) Pan fwriedir cyflwyno datganiad amgylcheddol mewn cysylltiad ag apêl, mae'r rheoliad hwn yn gymwys fel pe bai'r cyfeiriadau at y ceisydd yn gyfeiriadau at yr apelydd.

Darparu copïau o ddatganiadau amgylcheddol a gwybodaeth bellach i Weinidogion Cymru pe byddai atgyfeiriad neu apêl

18. Pan fo ceisydd ar gyfer caniatâd cynllunio neu ganiatâd dilynol wedi cyflwyno datganiad amgylcheddol, neu wybodaeth bellach, i'r awdurdod cynllunio perthnasol mewn cysylltiad â'r cais hwnnw ac—

- (a) mae'r cais yn cael ei atgyfeirio i Weinidogion Cymru o dan adran 77 o Ddeddf 1990 (atgyfeirio ceisiadau i'r Ysgrifennydd Gwladol); neu
- (b) mae'r ceisydd yn apelio o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath),

- (ii) that the applicant was unable to comply with paragraphs (4) and (5) because the applicant did not have the necessary rights to do so; that any reasonable steps available to acquire those rights have been taken but unsuccessfully, specifying the steps taken.

(7) Where an applicant indicates that the applicant proposes to provide a statement in the circumstances mentioned in paragraph (1), the relevant planning authority, the Welsh Ministers or the inspector, as the case may be, must (unless disposed to refuse the permission or subsequent consent sought) suspend consideration of the application or appeal until receipt of the statement and the other documents mentioned in paragraph (6); and must not determine the application or appeal during the period of 21 days beginning with the date of receipt of the statement and the other documents so mentioned.

(8) If any person—

- (a) issues a certificate which purports to comply with the requirements of paragraph (6)(b), or
- (b) recklessly issues a certificate which purports to comply with those requirements

and which contains a statement which that person knows to be false or misleading in a material particular, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) Where it is proposed to submit an environmental statement in connection with an appeal, this regulation applies as if references to the applicant were references to the appellant.

Provision of copies of environmental statements and further information for the Welsh Ministers on referral or appeal

18. Where an applicant for planning permission or subsequent consent has submitted an environmental statement, or further information, to the relevant planning authority in connection with that application and—

- (a) the application is referred to the Welsh Ministers under section 77 of the 1990 Act (reference of applications to Secretary of State); or
- (b) the applicant appeals under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions),

rhaid i'r ceisydd ddarparu un copi o'r datganiad i Weinidogion Cymru a, phan fo'n berthnasol, yr wybodaeth bellach oni bai, yn achos cais sydd wedi ei atgyfeirio, bod yr awdurdod cynllunio perthnasol eisoes wedi gwneud hynny.

Y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru

19.—(1) Mae'r rheoliad hwn yn gymwys pan fo ceisydd neu apelydd yn cyflwyno datganiad amgylcheddol i Weinidogion Cymru, mewn perthynas â chais AEA—

- (a) sydd gerbron Gweinidogion Cymru neu arolygydd er mwyn penderfynu arno; neu
- (b) sy'n destun apêl i Weinidogion Cymru.

(2) Rhaid i'r ceisydd neu'r apelydd gyflwyno dau gopi o'r datganiad i Weinidogion Cymru a rhaid i Weinidogion Cymru anfon un copi i'r awdurdod cynllunio perthnasol.

(3) Caiff ceisydd neu apelydd sy'n cyflwyno datganiad amgylcheddol i Weinidogion Cymru ddarparu copi ohono i unrhyw gorff arall, ac os gwneir hynny rhaid iddo—

- (a) cydymffurfio â rheoliad 16(2)(a) a (b) fel pe bai'r cyfeiriad yn rheoliad 16(2)(b) at yr awdurdod cynllunio perthnasol yn gyfeiriad at Weinidogion Cymru; a
- (b) hysbysu Gweinidogion Cymru o'r materion a grybwyllir yn rheoliad 16(2)(c).

(4) Rhaid i Weinidogion Cymru gydymffurfio â rheoliad 16(3) (heblaw is-baragraff (a) o'r rheoliad hwnnw) a rhaid i'r ceisydd neu'r apelydd gydymffurfio â rheoliad 16(4) fel pe bai—

- (a) cyfeiriadau yn y darpariaethau hynny at yr awdurdod cynllunio perthnasol yn gyfeiriadau at Weinidogion Cymru; a
- (b) yn achos apêl, cyfeiriadau at y ceisydd yn gyfeiriadau at yr apelydd,

a rhaid i Weinidogion Cymru neu'r arolygydd gydymffurfio â rheoliad 16(6) fel pe bai'n cyfeirio at Weinidogion Cymru neu'r arolygydd yn hytrach na'r awdurdod cynllunio perthnasol.

Argaeledd copïau o ddatganiadau amgylcheddol

20. Rhaid i geisydd neu apelydd sy'n cyflwyno datganiad amgylcheddol mewn cysylltiad â chais neu apêl, sicrhau bod nifer rhesymol o gopïau o'r datganiad ar gael yn y cyfeiriad a enwir yn yr hysbysiadau a gyhoeddir neu a osodir yn unol ag erthygl 12 o Orchymyn 2012 neu reoliad 17(2)(f) fel y cyfeiriad lle y gellir cael copïau o'r fath.

the applicant must supply the Welsh Ministers with one copy of the statement and, where relevant, the further information unless, in the case of a referred application, the relevant planning authority have already done so.

Procedure where an environmental statement is submitted to the Welsh Ministers

19.—(1) This regulation applies where an applicant or appellant submits an environmental statement to the Welsh Ministers, in relation to an EIA application which is—

- (a) before the Welsh Ministers or an inspector for determination; or
- (b) the subject of an appeal to the Welsh Ministers.

(2) The applicant or appellant must submit two copies of the statement to the Welsh Ministers who must send one copy to the relevant planning authority.

(3) An applicant or appellant who submits an environmental statement to the Welsh Ministers may provide a copy of it to any other body, and if so must—

- (a) comply with regulation 16(2)(a) and (b) as if the reference in regulation 16(2)(b) to the relevant planning authority were a reference to the Welsh Ministers; and
- (b) inform the Welsh Ministers of the matters mentioned in regulation 16(2)(c).

(4) The Welsh Ministers must comply with regulation 16(3) (except sub-paragraph (a) of that regulation) and the applicant or appellant must comply with regulation 16(4) as if—

- (a) references in those provisions to the relevant planning authority were references to the Welsh Ministers; and,
- (b) in the case of an appeal, references to the applicant were references to the appellant,

and the Welsh Ministers or the inspector must comply with regulation 16(6) as if it referred to the Welsh Ministers or the inspector instead of the relevant planning authority.

Availability of copies of environmental statements

20. An applicant or appellant, who submits an environmental statement in connection with an application or appeal, must ensure that a reasonable number of copies of the statement are available at the address named in the notices published or posted pursuant to article 12 of the 2012 Order or regulation 17(2)(f) as the address at which such copies may be obtained.

Tâl am gopiâu o ddatganiadau amgylcheddol

21. Caniateir codi tâl rhesymol sy'n adlewyrchu costau argraffu a dosbarthu ar aelod o'r cyhoedd am ddatganiad a wneir yn unol â rheoliad 20.

Gwybodaeth bellach a thystiolaeth mewn cysylltiad â datganiadau amgylcheddol

22.—(1) Os yw awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd sy'n ymdrin â chais neu apêl y mae'r ceisydd neu'r apelydd wedi cyflwyno datganiad amgylcheddol mewn perthynas ag ef, o'r farn y dylai'r datganiad gynnwys gwybodaeth ychwanegol er mwyn bod yn ddatganiad amgylcheddol, rhaid i'r awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd hysbysu'r ceisydd neu'r apelydd yn unol â hynny a rhaid i'r ceisydd neu'r apelydd ddarparu'r wybodaeth ychwanegol honno; a chyfeirir at wybodaeth ychwanegol o'r fath yn y Rheoliadau hyn fel "gwybodaeth bellach" ("*further information*").

(2) Mae paragraffau (3) i (9) yn gymwys mewn perthynas â gwybodaeth bellach ac unrhyw wybodaeth arall ac eithrio i'r graddau—

- (a) y mae'r wybodaeth bellach ac unrhyw wybodaeth arall yn cael ei darparu at ddiben ymholiad neu wrandawriad a gynhelir o dan Ddeddf 1990; a
- (b) bod y cais am yr wybodaeth bellach a wnaed yn unol â pharagraff (1) yn nodi ei bod i'w darparu at ddibenion o'r fath.

(3) Rhaid i dderbynnydd gwybodaeth bellach neu unrhyw wybodaeth arall gyhoeddi hysbysiad mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol lle mae'r tir wedi ei leoli sy'n nodi—

- (a) enw'r ceisydd am ganiatâd cynllunio neu am ganiatâd dilynol, neu'r apelydd (yn ôl y digwydd), ac enw a chyfeiriad yr awdurdod cynllunio perthnasol;
- (b) y dyddiad y gwnaed y cais a'r dyddiad yr atgyfeiriwyd y cais i Weinidogion Cymru, os gwnaed hynny, er mwyn penderfynu arno neu ei fod yn destun apêl i Weinidogion Cymru;
- (c) yn achos cais dilynol, digon o wybodaeth i alluogi adnabod y caniatâd cynllunio ar gyfer y datblygiad;
- (d) cyfeiriad neu leoliad a natur y datblygiad arfaethedig;
- (e) bod gwybodaeth bellach neu unrhyw wybodaeth arall ar gael mewn perthynas â datganiad amgylcheddol sydd wedi ei ddarparu eisoes;

Charges for copies of environmental statements

21. A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of a statement made available in accordance with regulation 20.

Further information and evidence in respect of environmental statements

22.—(1) If a relevant planning authority, the Welsh Ministers or inspector dealing with an application or appeal in relation to which the applicant or appellant has submitted an environmental statement, are of the opinion that the statement should contain additional information in order to be an environmental statement, the relevant planning authority, the Welsh Ministers or inspector must notify the applicant or appellant accordingly and the applicant or appellant must provide that additional information; and such additional information is referred to in these Regulations as "further information" ("*gwybodaeth bellach*").

(2) Paragraphs (3) to (9) apply in relation to further information and any other information except in so far as—

- (a) the further information and any other information is provided for the purposes of an inquiry or hearing held under the 1990 Act; and
- (b) the request for the further information made pursuant to paragraph (1) stated that it was to be provided for such purposes.

(3) The recipient of further information or any other information must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the name of the applicant for planning permission or subsequent consent, or the appellant (as the case may be), and the name and address of the relevant planning authority;
- (b) the date on which the application was made and, if it is the case, that it has been referred to the Welsh Ministers for determination or is the subject of an appeal to the Welsh Ministers;
- (c) in the case of a subsequent application, sufficient information to enable the planning permission for the development to be identified;
- (d) the address or location and the nature of the proposed development;
- (e) that further information or any other information is available in relation to an environmental statement which has already been provided;

- (f) y caiff aelodau'r cyhoedd edrych ar gopi o'r wybodaeth bellach neu o unrhyw wybodaeth arall ac unrhyw ddatganiad amgylcheddol sy'n ymwneud ag unrhyw ganiatâd cynllunio neu gais dilynol ar bob adeg resymol;
- (g) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle caiff y cyhoedd edrych ar yr wybodaeth bellach neu unrhyw wybodaeth arall a'r dyddiad olaf y bydd ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (h) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli (pa un a yw yr un cyfeiriad a roddir yn unol ag is-baragraff (g) ai peidio) lle gellir cael copïau o'r wybodaeth bellach neu unrhyw wybodaeth arall;
- (i) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (j) swm y tâl, os bydd tâl yn cael ei godi am gopi;
- (k) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau am yr wybodaeth bellach neu unrhyw wybodaeth arall eu cyflwyno i'r awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd (yn ôl y digwydd) cyn y dyddiad a nodir yn unol ag is-baragraff (g); ac
- (l) y cyfeiriad y dylid anfon sylwadau iddo.

(4) Rhaid i'r sawl sy'n derbyn gwybodaeth bellach neu unrhyw wybodaeth arall anfon copi ohoni i bob un o'r personau yr anfonwyd atynt y datganiad sy'n ymwneud â hi, yn unol â'r Rheoliadau hyn.

(5) Pan mai'r awdurdod cynllunio lleol yw'r sawl sy'n derbyn yr wybodaeth bellach neu unrhyw wybodaeth arall, rhaid iddo anfon un copi o'r wybodaeth bellach i Weinidogion Cymru.

(6) Caiff y sawl sy'n derbyn yr wybodaeth bellach ei gwneud yn ofynnol i'r ceisydd neu'r apelydd drwy hysbysiad i ddarparu'r cyfryw nifer o gopïau o'r wybodaeth bellach neu'r wybodaeth arall a bennir yn yr hysbysiad (sef y nifer sy'n ofynnol at ddibenion paragraff (4) neu (5)).

(7) Pan ofynnir am wybodaeth o dan baragraff (1) neu pan ddarperir unrhyw wybodaeth arall, rhaid i Weinidogion Cymru neu'r arolygydd, yn ôl y digwydd,—

- (a) atal y penderfyniad ar y cais neu'r apêl dros dro; a
- (b) peidio â phenderfynu arno cyn—

- (f) that a copy of the further information or any other information and of any environmental statement which relates to any planning permission or subsequent application may be inspected by members of the public at all reasonable hours;
- (g) an address in the locality in which the land is situated at which the further information or any other information may be inspected and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (h) an address in the locality in which the land is situated (whether or not the same as that given pursuant to sub-paragraph (g)) at which copies of the further information or any other information may be obtained;
- (i) that copies may be obtained there so long as stocks last;
- (j) if a charge is to be made for a copy, the amount of the charge;
- (k) that any person wishing to make representations about the further information or any other information should make them, before the date stated in accordance with sub-paragraph (g), to the relevant planning authority, the Welsh Ministers or the inspector (as the case may be); and
- (l) the address to which representations should be sent.

(4) The recipient of the further information or any other information must send a copy of it to each person to whom, in accordance with these Regulations, the statement to which it relates was sent.

(5) Where the recipient of the further information or any other information is the relevant planning authority they must send to the Welsh Ministers one copy of the further information.

(6) The recipient of the further information may by notice require the applicant or appellant to provide such number of copies of the further information or any other information as is specified in the notice (being the number required for the purposes of paragraph (4) or (5)).

(7) Where information is requested under paragraph (1) or any other information is provided, the relevant planning authority, the Welsh Ministers or the inspector, as the case may be,—

- (a) must suspend determination of the application or appeal; and
- (b) must not determine it before—

- (i) diwedd 21 diwrnod ar ôl y dyddiad yr anfonwyd yr wybodaeth bellach neu unrhyw wybodaeth arall i bob person yr anfonwyd atynt y datganiad sy'n ymwneud â hi, neu
- (ii) diwedd 21 diwrnod ar ôl y dyddiad y cyhoeddwyd hysbysiad ohoni mewn papur newydd lleol,

pa bynnag un yw'r diweddaraf.

(8) Rhaid i'r ceisydd neu'r apelydd sy'n darparu gwybodaeth bellach neu unrhyw wybodaeth arall, yn unol â pharagraff (1) sicrhau bod nifer rhesymol o gopïau o'r wybodaeth ar gael yn y cyfeiriad a enwir yn yr hysbysiad a gyhoeddwyd yn unol â pharagraff (3)(h) fel y cyfeiriad lle gellir cael copïau o'r fath.

(9) Caniateir codi tâl rhesymol sy'n adlewyrchu costau argraffu a dosbarthu ar aelod o'r cyhoedd am gopi o'r wybodaeth bellach neu unrhyw wybodaeth arall, a roddir ar gael yn unol â pharagraff (8).

(10) Caiff yr awdurdod cynllunio perthnasol neu Weinidogion Cymru neu arolygydd ei gwneud yn ofynnol i'r ceisydd neu'r apelydd ddangos pa bynnag dystiolaeth y gallant ofyn amdani yn rhesymol i wirio unrhyw wybodaeth yn y datganiad amgylcheddol.

RHAN 6

Argaeledd Cyfarwyddydau etc. a Hysbysu am Benderfyniadau

Argaeledd barnau, cyfarwyddydau etc. i'w harchwilio

23.—(1) Pan fo manylion am gais cynllunio neu gais dilynol yn cael eu gosod yn Rhan 1 o'r gofrestr, rhaid i'r awdurdod cynllunio perthnasol gymryd camau i sicrhau bod copi yn cael eu gosod yn y Rhan honno hefyd o unrhyw—

- (a) barn sgrinio;
- (b) cyfarwyddyd sgrinio;
- (c) barn gwmpasu;
- (d) cyfarwyddyd cwmpasu;
- (e) hysbysiad a roddwyd o dan reoliad 10(1), 11(2) neu 12(4);
- (f) cyfarwyddyd o dan reoliad 4(4);
- (g) datganiad amgylcheddol, gan gynnwys unrhyw wybodaeth bellach ac unrhyw wybodaeth arall;
- (h) datganiad o resymau sy'n mynd ynghyd ag unrhyw rai o'r uchod.

(2) Pan fo'r awdurdod cynllunio perthnasol—

- (i) the expiry of 21 days after the date on which the further information or any other information was sent to all persons to whom the statement to which it relates was sent, or
- (ii) the expiry of 21 days after the date that notice of it was published in a local newspaper,

whichever is the later.

(8) The applicant or appellant who provides further information or any other information, in accordance with paragraph (1) must ensure that a reasonable number of copies of the information are available at the address named in the notice published pursuant to paragraph (3)(h) as the address at which such copies may be obtained.

(9) A reasonable charge reflecting printing and distribution costs may be made to a member of the public for a copy of the further information or any other information, made available in accordance with paragraph (8).

(10) The relevant planning authority or the Welsh Ministers or an inspector may require an applicant or appellant to produce such evidence as they may reasonably call for to verify any information in the environmental statement.

PART 6

Availability of Directions etc. and Notification of Decisions

Availability of opinions, directions etc. for inspection

23.—(1) Where particulars of a planning application or a subsequent application are placed on Part 1 of the register, the relevant planning authority must take steps to secure that there is also placed on that Part a copy of any—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) scoping direction;
- (e) notification given under regulation 10(1), 11(2) or 12(4);
- (f) direction under regulation 4(4);
- (g) environmental statement, including any further information and any other information;
- (h) statement of reasons accompanying any of the above.

(2) Where the relevant planning authority—

- (a) yn mabwysiadu barn sgrinio neu farn gwmpasu; neu
- (b) yn cael cais o dan reoliad 13(1), neu 14(1), copi o gyfarwyddyd sgrinio, cyfarwyddyd cwmpasu, neu gyfarwyddyd o dan reoliad 4(4) cyn y gwneir cais am ganiatâd cynllunio neu ganiatâd dilynol ar gyfer y datblygiad o dan sylw,

rhaid i'r awdurdod gymryd camau i sicrhau bod copi o'r farn, y cais neu'r cyfarwyddyd ac unrhyw ddatganiad o'r rhesymau sy'n mynd ynghyd ag ef neu hi yn cael eu rhoi ar gael i'r cyhoedd edrych arnynt ar bob adeg resymol yn y lle y cedwir y gofrestr briodol (neu adran berthnasol o'r gofrestr honno).

(3) Rhaid i gopïau o'r dogfennau y cyfeirir atynt ym mharagraff (2) barhau i fod ar gael yn y modd hwn am gyfnod o ddwy flynedd o'r dyddiad y gosodir hwy ar y gofrestr.

Dyletswyddau i hysbysu'r cyhoedd a Gweinidogion Cymru am y penderfyniadau terfynol

24.—(1) Pan fo cais AEA yn cael ei benderfynu gan awdurdod cynllunio lleol, rhaid i'r awdurdod—

- (a) hysbysu Gweinidogion Cymru o'r penderfyniad;
- (b) hysbysu'r cyhoedd o'r penderfyniad, drwy hysbyseb lleol, neu drwy unrhyw ddull arall sy'n rhesymol dan yr amgylchiadau; ac
- (c) sicrhau bod datganiad yn cael ei roi ar gael i'r cyhoedd edrych arno yn y lle y cedwir y gofrestr briodol (neu adran berthnasol o'r gofrestr honno), sydd yn cynnwys—
 - (i) cynnwys y penderfyniad ac unrhyw amodau sy'n gysylltiedig ag ef;
 - (ii) y prif resymau ac ystyriaethau y mae'r penderfyniad wedi ei seilio arnynt gan gynnwys, os yn berthnasol, gwybodaeth am gyfranogiad y cyhoedd;
 - (iii) disgrifiad, pan fo angen, o'r prif gamau ar gyfer osgoi, lleihau ac, os yn bosibl, gwrthbwyso prif effeithiau andwyol y datblygiad; a
 - (iv) gwybodaeth ynghylch yr hawl i herio dilysrwydd y penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny.

(2) Pan fo cais AEA yn cael ei benderfynu gan Weinidogion Cymru neu arolygydd, rhaid i Weinidogion Cymru—

- (a) hysbysu'r awdurdod cynllunio perthnasol o'r penderfyniad; a
- (b) darparu datganiad o'r math a grybwyllir ym mharagraff (1)(c) i'r awdurdod.

- (a) adopt a screening opinion or scoping opinion; or
- (b) receive a request under regulation 13(1) or 14(1), a copy of a screening direction, scoping direction, or direction under regulation 4(4) before an application is made for planning permission or subsequent consent for the development in question,

the authority must take steps to secure that a copy of the opinion, request, or direction and any accompanying statement of reasons are made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant section of that register) is kept.

(3) Copies of the documents referred to in paragraph (2) must remain so available for a period of two years from the date on which they are placed on the register.

Duties to inform the public and the Welsh Ministers of final decisions

24.—(1) Where an EIA application is determined by a local planning authority, the authority must—

- (a) inform the Welsh Ministers of the decision;
- (b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
- (c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept, a statement containing—
 - (i) the content of the decision and any conditions attached to it;
 - (ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

(2) Where an EIA application is determined by the Welsh Ministers or an inspector, the Welsh Ministers must—

- (a) notify the relevant planning authority of the decision; and
- (b) provide the authority with such a statement as is mentioned in paragraph (1)(c).

(3) Cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael hysbysiad o dan baragraff (2)(a), rhaid i'r awdurdod cynllunio perthnasol gydymffurfio ag is-baragraffau (b) ac (c) o baragraff (1) mewn perthynas â'r penderfyniad yr hysbyswyd amdano yn y modd hwn fel pe bai'n benderfyniad yr awdurdod.

RHAN 7

Datblygiad Gan Awdurdod Cynllunio Lleol

Addasiadau pan fo'r cais gan awdurdod cynllunio lleol

25. Pan mai'r awdurdod cynllunio perthnasol yw'r (neu a fyddai'r) ceisydd hefyd (pa un ai ar ei ben ei hun neu ar y cyd gydag unrhyw berson arall), mae'r Rheoliadau hyn yn gymwys i gais AEA (neu gais arfaethedig) yn ddarostyngedig i'r addasiadau canlynol—

- (a) nid yw rheoliadau 5 a 6 yn gymwys, yn ddarostyngedig i reoliad 26(1) a (2);
- (b) mae rheoliad 7 yn gymwys fel pe bai'r cyfeiriad at reoliad 5(4) a (5) wedi ei hepgor;
- (c) nid yw rheoliad 10 yn gymwys;
- (d) nid yw rheoliadau 13 a 14 yn gymwys;
- (e) nid yw paragraffau (1) i (3) o reoliad 15 yn gymwys, ac mae rheoliad 15(4) yn gymwys i unrhyw ymgynghorai y mae'r awdurdod cynllunio perthnasol yn gofyn am gymorth ganddo fel y mae'n gymwys i ymgynghorai a hysbysir yn unol â rheoliad 15(3);
- (f) ac eithrio at ddibenion rheoliad 19(3) a (4), mae rheoliad 16 yn gymwys fel pe bai—
 - (i) paragraff (1) yn darllen—

“(1) Pan fo awdurdod cynllunio perthnasol sy'n gwneud cais AEA yn cofnodi datganiad, y cyfeirir ato fel “datganiad amgylcheddol”, rhaid iddo—

- (a) darparu copi o'r canlynol i bob ymgynghorai—
 - (i) y datganiad;
 - (ii) y cais perthnasol ac unrhyw blan a gyflwynir gyda'r cynllun; a
 - (iii) yn achos cais dilynol, y caniatâd cynllunio a roddwyd i'r datblygiad y gwnaed y cais dilynol mewn cysylltiad ag ef ac unrhyw ddogfennau neu wybodaeth sy'n ymwneud â'r cais;

(3) The relevant planning authority must, as soon as reasonably practicable after receipt of a notification under paragraph (2)(a), comply with sub-paragraphs (b) and (c) of paragraph (1) in relation to the decision so notified as if it were a decision of the authority.

PART 7

Development By a Local Planning Authority

Modifications where application by a local planning authority

25. Where the relevant planning authority is also (or would be) the applicant (whether alone or jointly with any other person), these Regulations apply to an EIA application (or proposed application) subject to the following modifications—

- (a) subject to regulation 26(1) and (2), regulations 5 and 6 do not apply;
- (b) regulation 7 applies as if the reference to regulation 5(4) and (5) were omitted;
- (c) regulation 10 does not apply;
- (d) regulations 13 and 14 do not apply;
- (e) paragraphs (1) to (3) of regulation 15 do not apply, and regulation 15(4) applies to any consultee from whom the relevant planning authority requests assistance as it applies to a consultee notified in accordance with regulation 15(3);
- (f) except for the purposes of regulation 19(3) and (4), regulation 16 applies as if—
 - (i) paragraph (1) read—

“(1) When a relevant planning authority making an EIA application lodge a statement, referred to as an “environmental statement”, they must—

- (a) provide to each consultee a copy of—
 - (i) that statement;
 - (ii) the relevant application and any plan submitted with it; and
 - (iii) in the case of a subsequent application, the planning permission granted for the development in respect of which the subsequent application has been made and any documents or information relating to the application;

- (b) hysbysu bob ymgynghorai y caniateir cyflwyno sylwadau i'r awdurdod cynllunio perthnasol; ac
- (c) anfon y canlynol i Weinidogion Cymru o fewn 14 diwrnod ar ôl cofnodi'r datganiad—
 - (i) un copi o'r datganiad;
 - (ii) copi o'r cais perthnasol ac unrhyw ddogfennau a gyflwynwyd gyda'r cais; a
 - (iii) yn achos cais dilynol, y caniatâd cynllunio a roddwyd i'r datblygiad y gwnaed y cais dilynol mewn cysylltiad ag ef ac unrhyw ddogfennau neu wybodaeth sy'n ymwneud â'r cais.”; a
- (ii) paragraffau (2) a (3) wedi eu hepgor;
- (iii) y geiriau “Pan fo ceisydd yn cyflwyno datganiad amgylcheddol i'r awdurdod yn unol â pharagraff (1)” yn rheoliad 16(5), wedi eu hepgor; a
- (iv) “cyflwynwyd” yn rheoliad 16(6) yn darllen “cofnodwyd”;
- (g) mae rheoliad 19 yn gymwys fel pe bai paragraff (2) wedi ei hepgor.

- (b) inform each consultee that representations may be made to the relevant planning authority; and
- (c) send to the Welsh Ministers within 14 days of lodging the statement—
 - (i) one copy of the statement;
 - (ii) a copy of the relevant application and of any documents submitted with the application; and
 - (iii) in the case of a subsequent application, the planning permission granted for the development in respect of which the subsequent application has been made and any documents or information relating to the application.”; and
- (ii) paragraphs (2) and (3) were omitted;
- (iii) in regulation 16(5), the words “Where an applicant submits an environmental statement to the authority in accordance with paragraph (1),” were omitted; and
- (iv) in regulation 16(6) “served” read “lodged”;
- (g) regulation 19 applies as if paragraph (2) were omitted.

Barnau a chyfarwyddydau sgrinio

26.—(1) Caiff awdurdod sy'n bwriadu gwneud cais cynllunio neu gais dilynol pan mai'r awdurdod ei hun fyddai'r awdurdod cynllunio perthnasol mewn perthynas â'r cais, fabwysiadu barn sgrinio neu ofyn i Weinidogion Cymru wneud cyfarwyddyd sgrinio, ac mae paragraffau (3) a (4) o reoliad 6 yn gymwys i gais o'r fath fel y maent yn gymwys i gais a wneir yn unol â rheoliad 5(7).

(2) Caiff awdurdod cynllunio perthnasol sy'n bwriadu cynnal datblygiad yr ystyrir ganddynt y gallai fod—

- (a) yn ddatblygiad o ddisgrifiad a bennir yn Atodlen 2 i Orchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(1) ac eithrio datblygiad o ddisgrifiad a bennir yn erthygl 3(12) o'r Gorchymyn hwnnw; neu

Screening opinions and directions

26.—(1) An authority which is minded to make a planning application or a subsequent application in relation to which the authority would be the relevant planning authority, may adopt a screening opinion or request the Welsh Ministers to make a screening direction, and paragraphs (3) and (4) of regulation 6 apply to such a request as they apply to a request made pursuant to regulation 5(7).

(2) A relevant planning authority who propose to carry out development which they consider may be—

- (a) development of a description specified in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995(1) other than development of a description specified in article 3(12) of that Order; or

(1) O.S. 1995/418, y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 1995/418, to which there are amendments not relevant to these Regulations.

- (b) yn ddatblygiad y byddai caniatâd yn cael ei roi ar ei gyfer oni bai am reoliad 37 (cynlluniau parth cynllunio wedi eu symleiddio neu orchmynion parth menter newydd),

fabwysiadu barn sgrinio neu ofyn i Weinidogion Cymru wneud cyfarwyddyd sgrinio.

(3) Mae paragraffau (3) a (4) o reoliad 6 yn gymwys i gais o'r fath fel y maent yn gymwys i gais a wneir yn unol â rheoliad 5(7).

(4) Rhaid i'r canlynol fynd ynghyd â chais o dan baragraff (1) neu (2)—

- (a) yn achos cais cynllunio, y dogfennau a ddisgrifir yn rheoliad 5(2);
- (b) yn achos cais dilynol, y dogfennau a ddisgrifir yn rheoliad 5(3).

(5) Rhaid i awdurdod sy'n gwneud cais o dan baragraff (1) neu (2) anfon unrhyw wybodaeth ychwanegol y gofynnir amdani i Weinidogion Cymru i'w galluogi i wneud cyfarwyddyd.

RHAN 8

Ceisiadau am ganiatâd cynllunio a wneir i Weinidogion Cymru

Cymhwyso Rhannau 2 i 7

27.—(1) Mae'r Rhan hon yn gymwys pan wneir cais am ganiatâd cynllunio i Weinidogion Cymru ac felly ystyr “cais” (“*application*”) yn y Rhan hon yw cais am ganiatâd cynllunio a wneir yn y modd hwn.

(2) Mae Rhannau 2 i 7 yn gymwys, yn ddarostyngedig i'r eithriadau yn y paragraff canlynol a'r addasiadau a'r darpariaethau atodol yn y Rhan hon.

(3) Nid yw rheoliadau 5, 6(1), 6(2), 7 i 14(1), 16, 17(9), 18, 20, 24, 25 a 26 yn gymwys.

Ceisiadau am gyfarwyddydau sgrinio Gweinidogion Cymru

28.—(1) Caiff person sy'n bwriadu gwneud cais ofyn i Weinidogion Cymru fabwysiadu cyfarwyddyd sgrinio.

(2) Rhaid i'r canlynol fynd ynghyd â chais am gyfarwyddyd sgrinio mewn perthynas â chais—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad byr o natur a phwrpas y datblygiad a'i effeithiau posibl ar yr amgylchedd;
- (c) datganiad bod y cais yn cael ei wneud mewn perthynas â datblygiad o arwyddocâd

- (b) development for which permission would be granted but for regulation 37 (new simplified planning zone schemes or enterprise zone orders),

may adopt a screening opinion or request the Welsh Ministers to make a screening direction.

(3) Paragraphs (3) and (4) of regulation 6 apply to such a request as they apply to a request made pursuant to regulation 5(7).

(4) A request under paragraph (1) or (2) must be accompanied by—

- (a) in the case of a planning application, the documents described in regulation 5(2);
- (b) in the case of a subsequent application, the documents described in regulation 5(3).

(5) An authority making a request under paragraph (1) or (2) must send to the Welsh Ministers any additional information which is requested to enable the Welsh Ministers to make a direction.

PART 8

Applications for planning permission made to the Welsh Ministers

Application of Parts 2 to 7

27.—(1) This Part applies where an application for planning permission is made to the Welsh Ministers and so that “application” (“*cais*”) in this Part means an application for planning permission so made.

(2) Parts 2 to 7 apply, subject to the exceptions in the following paragraph and the modifications and supplementary provisions in this Part.

(3) Regulations 5, 6(1), 6(2), 7 to 14(1), 16, 17(9), 18, 20, 24, 25 and 26 do not apply.

Requests for screening directions of the Welsh Ministers

28.—(1) A person who is minded to make an application may request the Welsh Ministers to adopt a screening direction.

(2) A request for a screening direction in relation to an application must be accompanied by—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment;
- (c) a statement that the request is made in relation to a development of national significance for

cenedlaethol at ddibenion 62D o ddeddf 1990;
a

- (d) unrhyw wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu gwneud.

(3) Rhaid i berson sy'n gwneud cais yn unol â pharagraff (1) anfon copi o'r cais hwnnw a'r dogfennau sy'n mynd ynghyd â'r cais hwnnw i'r awdurdod cynllunio perthnasol.

(4) Mae paragraffau (3) i (7) o reoliad 6 yn gymwys fel pe bai'r cyfeiriadau at wneud cais o dan reoliad 5(7) yn gyfeiriadau at wneud cais o dan reoliad 28(1).

Ceisiadau a wneir heb ddatganiad amgylcheddol

29.—(1) Pan wneir cais ac mae'n ymddangos i Weinidogion Cymru—

- (a) ei fod yn gais AEA; a
(b) nad oes datganiad y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol yn mynd ynghyd â'r cais, at ddibenion y Rheoliadau hyn,

rhaid i Weinidogion Cymru hysbysu'r ceisydd bod cyflwyno datganiad amgylcheddol yn ofynnol a rhaid iddynt anfon copi o'r hysbysiad hwnnw i'r awdurdod cynllunio perthnasol.

(2) Rhaid i Weinidogion Cymru hysbysu'r ceisydd yn unol â pharagraff (1) o fewn 28 diwrnod sy'n dechrau gyda'r diwrnod y mae Gweinidogion Cymru yn cael y cais neu pa bynnag gyfnod hwy a bennir gan Weinidogion Cymru.

(3) Caiff ceisydd sy'n cael hysbysiad o dan baragraff (1) gadarnhau i Weinidogion Cymru, o fewn 21 diwrnod yn dechrau gyda dyddiad yr hysbysiad, y bydd datganiad amgylcheddol yn cael ei ddarparu.

(4) Pan fo Gweinidogion Cymru yn ymwybodol bod unrhyw berson penodol yn cael ei effeithio neu yn debygol o gael ei effeithio gan y cais, neu â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb lleol, rhaid i Weinidogion Cymru roi gwybod i'r ceisydd am unrhyw berson o'r fath.

(5) Os nad yw'r ceisydd yn cadarnhau yn unol â pharagraff (4), nid oes gan Weinidogion Cymru unrhyw ddyletswydd i ymdrin â'r cais ac ar ddiwedd y cyfnod o 21 diwrnod rhaid iddynt hysbysu'r ceisydd nad oes unrhyw gamau pellach yn cael eu cymryd ynglŷn â'r cais.

(6) Pan—

- (a) fo hysbysiad wedi ei roi o dan baragraff (1); a

the purposes of section 62D of the 1990 Act;
and

- (d) such other information or representations as the person making the request may wish to provide or make.

(3) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.

(4) Paragraphs (3) to (7) of regulation 6 apply as if the references to making a request under regulation 5(7) were references to making a request under regulation 28(1).

Applications made without an environmental statement

29.—(1) Where an application is made and it appears to the Welsh Ministers that—

- (a) it is an EIA application; and
(b) it is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations,

the Welsh Ministers must notify the applicant that the submission of an environmental statement is required and send a copy of that notification to the relevant planning authority.

(2) The Welsh Ministers must notify the applicant in accordance with paragraph (1) within 28 days, beginning with the date on which the Welsh Ministers are in receipt of an application, or such longer period as the Welsh Ministers may determine.

(3) An applicant who receives a notification under paragraph (1) may, within 21 days beginning with the date of the notification, confirm to the Welsh Ministers that an environmental statement will be provided.

(4) Where the Welsh Ministers are aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, the Welsh Ministers must notify the applicant of any such person.

(5) If the applicant does not confirm in accordance with paragraph (4), the Welsh Ministers are under no duty to deal with the application and, at the end of the 21 day period, they must inform the applicant that no further action is being taken on the application.

(6) Where—

- (a) a notification has been given under paragraph (1); and

- (b) nad yw'r ceisydd yn cyflwyno datganiad amgylcheddol ac yn cydymffurfio â rheoliad 17 (cyhoedduswydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio),

rhaid i Weinidogion Cymru benderfynu ar y cais dim ond drwy wrthod caniatâd cynllunio.

Cyfarwyddydau cwmpasu

30.—(1) Caiff person sy'n bwriadu gwneud cais am ganiatâd cynllunio ofyn i Weinidogion Cymru ddarparu cyfarwyddydau cwmpasu.

(2) Rhaid i gais o dan baragraff (1) gynnwys—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad byr o natur a phwrpas y datblygiad a'i effeithiau posibl ar yr amgylchedd;
- (c) datganiad bod y cais yn cael ei wneud mewn perthynas â datblygiad o arwyddocâd cenedlaethol at ddibenion adran 62D o Ddeddf 1990; a
- (d) unrhyw wybodaeth arall neu sylwadau eraill y gallai'r person sy'n gwneud y cais ddymuno eu darparu neu eu gwneud.

(3) Rhaid i berson sy'n gwneud cais yn unol â pharagraff (1) anfon copi o'r cais hwnnw a'r dogfennau sy'n mynd ynghyd â'r cais hwnnw i'r awdurdod cynllunio perthnasol.

(4) Os nad yw Gweinidogion Cymru yn ystyried bod yr wybodaeth a ddarperir yn unol â pharagraff (1) yn ddigonol ar gyfer gwneud cyfarwyddyd cwmpasu, rhaid i Weinidogion Cymru roi hysbysiad i'r person sy'n gwneud y cais.

(5) Rhaid i'r hysbysiad nodi unrhyw bwyntiau y mae angen gwybodaeth ychwanegol amdanynt.

(6) Caiff Gweinidogion Cymru hefyd ofyn i'r awdurdod cynllunio perthnasol ddarparu pa bynnag wybodaeth y gall am unrhyw rai o'r pwyntiau hyn.

(7) Rhaid i Weinidogion Cymru—

- (a) ymgynghori â'r person sy'n gwneud y cais a'r ymgynghoreion cyn gwneud cyfarwyddyd cwmpasu mewn ymateb i gais o dan baragraff (1), a
- (b) gwneud cyfarwyddyd ac anfon copi i'r person sy'n gwneud y cais ac i'r awdurdod cynllunio perthnasol, o fewn y 5 wythnos sy'n dechrau â'r dyddiad y ceir y cais hwnnw neu unrhyw gyfnod hwy y gwneir yn ofynnol yn rhesymol.

(8) Cyn gwneud cyfarwyddyd cwmpasu rhaid i Weinidogion gymryd y materion a bennir yn rheoliad 13(6) i ystyriaeth.

- (b) the applicant does not submit an environmental statement and comply with regulation 17 (publicity where an environmental statement is submitted after the planning application),

the Welsh Ministers must determine the application only by refusing planning permission.

Scoping directions

30.—(1) A person who is minded to make an application for planning permission may ask the Welsh Ministers to provide scoping directions.

(2) A request under paragraph (1) must include—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment;
- (c) a statement that the request is made in relation to a development of national significance for the purposes of section 62D of the 1990 Act; and
- (d) such other information or representations as the person making the request may wish to provide or make.

(3) A person making a request pursuant to paragraph (1) must send to the relevant planning authority a copy of that request and the documents which accompany that request.

(4) If the Welsh Ministers consider that the information provided pursuant to paragraph (1) is insufficient to make a scoping direction, the Welsh Ministers must give notice to the person making the request.

(5) The notice must set out any points on which additional information is required.

(6) The Welsh Ministers may also request the relevant planning authority to provide such information as they can on any of those points.

(7) The Welsh Ministers must—

- (a) consult the person making the request and the consultees before making a scoping direction in response to a request under paragraph (1), and
- (b) make a direction and send a copy to the person who made the request and to the relevant planning authority, within 5 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required.

(8) Before making a scoping direction the Welsh Ministers must take into account the matters specified in regulation 13(6).

(9) Nid oes unrhyw beth yn atal Gweinidogion Cymru, (ar ôl iddynt wneud cyfarwyddyd cwmpasu) na'r awdurdod cynllunio perthnasol rhag ei gwneud yn ofynnol i'r person sy'n gwneud y cais ddarparu gwybodaeth ychwanegol.

(10) Ystyr "Gwybodaeth ychwanegol" ("*additional information*") ym mharagraff (9) yw gwybodaeth mewn cysylltiad ag unrhyw ddatganiad y caniateir ei gyflwyno gan y person hwnnw fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn.

Gweithdrefn i hwyluso paratoi datganiadau amgylcheddol

31. Mae rheoliad 15 yn gymwys fel pe bai—

(a) paragraff (3) yn darllen—

“(3) Rhaid i dderbynydd—

(a) hysbysiad o'r math a grybwyllir ym mharagraff (1); neu

(b) datganiad a wneir yn unol â rheoliad 10(4)(a), 11(5), 12(6) neu 29(3)—

(i) hysbysu'r ymgynghoreion o enw a chyfeiriad y person sy'n bwriadu cyflwyno datganiad amgylcheddol a'r ddyletswydd a osodir ar yr ymgynghoreion gan baragraff (4) i sicrhau bod gwybodaeth yn cael ei rhoi ar gael i'r person hwnnw; a

(ii) hysbysu'r person sy'n bwriadu cyflwyno datganiad amgylcheddol o enwau a chyfeiriadau'r ymgynghoreion a hysbyswyd felly.”; a

(b) y cyfeiriadau ym mharagraffau (4) a (5) i'r "awdurdod cynllunio perthnasol" ac "awdurdod" yn gyfeiriadau at Weinidogion Cymru.

Gweithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru

32. Mae rheoliad 19 yn gymwys fel pe bai paragraff (2) yn darllen "Rhaid i'r ceisydd gyflwyno un copi o'r datganiad amgylcheddol i Weinidogion Cymru ac un copi i'r awdurdod cynllunio perthnasol."

Cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio

33. Mae rheoliad 17 yn gymwys fel pe bai paragraffau (2) a (3) yn darllen—

“(2) Rhaid i'r ceisydd gyhoeddi hysbysiad yn nodi'r canlynol mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol lle mae'r tir wedi ei leoli—

(9) Nothing prevents the Welsh Ministers, (after they have made a scoping direction) or the relevant planning authority from requiring the person who made the request to provide additional information.

(10) "Additional information" ("*gwybodaeth ychwanegol*") in paragraph (9) means information in connection with any statement that may be submitted by that person as an environmental statement for the purposes of these Regulations.

Procedure to facilitate preparation of environmental statements

31. Regulation 15 applies as if—

(a) paragraph (3) reads—

“(3) The recipient of—

(a) such notice as is mentioned in paragraph (1); or

(b) a statement made pursuant to regulation 10(4)(a), 11(5), 12(6) or 29(3)

must—

(i) notify the consultees of the name and address of the person who intends to submit an environmental statement and of the duty imposed on the consultees by paragraph (4) to make information available to that person; and

(ii) inform the person who intends to submit an environmental statement of the names and addresses of the consultees so notified.”; and

(b) the references in paragraphs (4) and (5) to the "relevant planning authority" and "authority" were to the Welsh Ministers.

Procedure where an environmental statement is submitted to the Welsh Ministers

32. Regulation 19 applies as if paragraph (2) reads "The applicant must submit one copy of the environmental statement to the Welsh Ministers and one copy to the relevant planning authority."

Publicity where an environmental statement is submitted after the planning application

33. Regulation 17 applies as if paragraphs (2) and (3) read—

“(2) The applicant must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) enw'r ceisydd, bod cais yn cael ei wneud i Weinidogion Cymru am ganiatâd cynllunio a chyfeiriad Gweinidogion Cymru;
- (b) y dyddiad y gwnaed y cais;
- (c) cyfeiriad neu leoliad a natur y datblygiad arfaethedig;
- (d) bod copi o'r cais, unrhyw blan a dogfennau eraill sy'n mynd ynghyd ag ef, a chopi o'r datganiad amgylcheddol ar gael i aelodau'r cyhoedd edrych arnynt ar bob adeg resymol;
- (e) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle mae'r dogfennau hynny ar gael i'r cyhoedd edrych arnynt, a'r dyddiad olaf y maent ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (f) cyfeiriad (pa un a yw yr un cyfeiriad a roddir o dan is-baragraff (e) ai peidio) yn yr ardal leol lle mae'r tir wedi ei leoli lle gellir cael copïau o'r datganiad;
- (g) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (h) os codir tâl am gopi, swm y tâl;
- (i) bod yn rhaid i unrhyw berson sy'n dymuno cyflwyno sylwadau ynglŷn â'r cais eu cyflwyno i Weinidogion Cymru cyn y dyddiad a nodir yn unol ag is-baragraff (e); a
- (j) y cyfeiriad y dylid anfon sylwadau iddo.

(3) Rhaid i geisydd sy'n cael ei hysbysu o dan reoliad 29(4) (ceisiadau heb ddatganiad amgylcheddol) ynghylch person o'r math a grybwyllir yn unrhyw un o'r paragraffau hynny gyflwyno hysbysiad i bob person o'r fath; a rhaid i'r hysbysiad gynnwys yr wybodaeth a bennir ym mharagraff (2), ond ni chaiff y dyddiad a nodir fel y dyddiad olaf y mae'r dogfennau ar gael i aelodau o'r cyhoedd edrych arnynt fod yn llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyflwynir yr hysbysiad gyntaf."

- (a) the applicant's name, that an application is being made to the Welsh Ministers for planning permission and the address of the Welsh Ministers;
- (b) the date on which the application was made;
- (c) the address or location and the nature of the proposed development;
- (d) that a copy of the application, any accompanying plan and other documents, and a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they are available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the statement may be obtained;
- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) that any person wishing to make representations about the application must make them, before the date named in accordance with sub-paragraph (e), to the Welsh Ministers; and
- (j) the address to which representations should be sent.

(3) An applicant who is notified under regulation 29(4) (applications without environmental statement) of such a person as mentioned in any of those paragraphs must serve a notice on every such person; and the notice must contain the information specified in paragraph (2), except that the date noted as the latest date on which the documents will be available for inspection must not be less than 21 days later than the date on which the notice is first served."

Argaeledd copïau o ddatganiadau amgylcheddol

34. Rhaid i geisydd sy'n cyflwyno datganiad amgylcheddol mewn cysylltiad â chais, sicrhau bod nifer rhesymol o gopïau o'r datganiad ar gael yn y cyfeiriad a enwir yn yr hysbysiadau a gyhoeddir neu a osodir yn unol ag erthygl 18(2) o Orchymyn 2016 fel y cyfeiriad lle gellir cael copïau o'r fath.

Argaeledd cyfarwyddiadau etc. i'w harchwilio

35. Mae rheoliad 23 yn gymwys fel pe bai paragraff (1)(e) yn darllen “hysbysiad a roddwyd o dan reoliad 29(2) (ceisiadau a wneir heb ddatganiad amgylcheddol);”.

Dyletswyddau i hysbysu'r cyhoedd o benderfyniadau terfynol

36.—(1) Pan fo cais AEA yn cael ei benderfynu gan Weinidogion Cymru neu arolygydd, rhaid i Weinidogion Cymru—

- (a) hysbysu'r awdurdod cynllunio perthnasol o'r penderfyniad; a
- (b) darparu datganiad i'r awdurdod sy'n cynnwys—
 - (i) cynnwys y penderfyniad ac unrhyw amodau sy'n gysylltiedig ag ef;
 - (ii) y prif resymau ac ystyriaethau y seilir y penderfyniad arno, gan gynnwys, os yn berthnasol, gwybodaeth am gyfranogiad y cyhoedd;
 - (iii) disgrifiad, pan fo angen, o'r prif fesurau ar gyfer osgoi, lleihau ac, os yn bosibl, gwrthbwyso prif effeithiau andwyol y datblygiad; a
 - (iv) gwybodaeth ynghylch yr hawl i herio dilysrwydd y penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny.

(2) Rhaid i'r awdurdod cynllunio perthnasol, cyn gynted ag y bo'n rhesymol ymarferol ar ôl cael hysbysiad o dan baragraff (1)(a)—

- (a) hysbysu'r cyhoedd o'r penderfyniad, drwy hysbyseb lleol, neu drwy unrhyw ddull arall sy'n rhesymol dan yr amgylchiadau; a
- (b) sicrhau bod y datganiad a gafwyd gan yr awdurdod yn unol â pharagraff (1)(b), ar gael i'r cyhoedd edrych arno yn y lle y cedwir y gofrestr briodol (neu adran berthnasol y gofrestr honno).

Availability of copies of environmental statements

34. An applicant who submits an environmental statement in connection with an application, must ensure that a reasonable number of copies of the statement are available at the address named in the notices published or served pursuant to article 18(2) of the 2016 Order as the address at which such copies may be obtained.

Availability of directions etc. for inspection

35. Regulation 23 applies as if paragraph (1)(e) reads “notification given under regulation 29(2) (applications made without environmental statement);”.

Duties to inform the public of final decisions

36.—(1) Where an EIA application is determined by the Welsh Ministers or an inspector, the Welsh Ministers must—

- (a) notify the relevant planning authority of the decision; and
- (b) provide the authority with a statement containing—
 - (i) the content of the decision and any conditions attached to it;
 - (ii) the main reasons and considerations on which the decision is based, including, if relevant, information about the participation of the public;
 - (iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
 - (iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

(2) The relevant planning authority must, as soon as reasonably practicable after receipt of a notification under paragraph (1)(a)—

- (a) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
- (b) make the statement the authority received pursuant to paragraph (1)(b), available for public inspection at the place where the appropriate register (or relevant section of that register) is kept.

RHAN 9

Cyfyngiadau ar Roi Caniatâd

Cynlluniau parth cynllunio wedi eu symleiddio neu orchmynion parth menter newydd

37. Gydag effaith o'r dyddiad cychwyn, ni chaiff—
- (a) mabwysiadu neu gymeradwyo cynllun parth cynllunio wedi ei symleiddio⁽¹⁾;
 - (b) gorchymyn sy'n dynodi parth menter a wnaed o dan adran 88 o Ddeddf 1990; neu
 - (c) cymeradwyo cynllun wedi ei addasu mewn perthynas â pharth menter o'r fath, wneud y canlynol:
 - (i) rhoi caniatâd cynllunio ar gyfer datblygiad AEA; neu
 - (ii) rhoi caniatâd cynllunio ar gyfer datblygiad Atodlen 2 oni bai bod y caniatâd hwnnw yn cael ei wneud yn ddarostyngedig i fabwysiadu barn sgrinio yn flaenorol neu cyn gwneud cyfarwyddyd sgrinio nad yw'r datblygiad arfaethedig penodol yn ddatblygiad AEA.

Gorchmynion datblygu lleol

38.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â datblygiad Atodlen 2 y mae awdurdod cynllunio lleol yn bwriadu rhoi caniatâd cynllunio iddo drwy orchymyn datblygu lleol.

(2) Pan fo'r rheoliad hwn yn gymwys, ni chaiff awdurdod cynllunio lleol fabwysiadu na diwygio gorchymyn datblygu lleol oni bai ei fod wedi mabwysiadu barn sgrinio neu bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio.

(3) Mae paragraff (4) ac Atodlen 5 yn gymwys pan fo—

- (a) yr awdurdod cynllunio lleol yn mabwysiadu barn sgrinio; neu
- (b) bod Gweinidogion Cymru yn gwneud cyfarwyddyd sgrinio o dan y Rheoliadau hyn,

i'r perwyl bod y datblygiad yn ddatblygiad AEA.

(4) Ni chaiff awdurdod cynllunio lleol fabwysiadu na diwygio gorchymyn datblygu lleol a fyddai'n rhoi caniatâd cynllunio i ddatblygiad AEA oni bai—

- (a) bod datganiad amgylcheddol wedi ei baratoi mewn perthynas â'r datblygiad hwnnw; a

(1) *Gweler* y diffiniad o "simplified planning zone" yn adran 336 o Ddeddf 1990.

PART 9

Restrictions of Grants of Permission

New simplified planning zone schemes or enterprise zone orders

37. With effect from the commencement date—
- (a) the adoption or approval of a simplified planning zone scheme⁽¹⁾;
 - (b) an order designating an enterprise zone made under section 88 of the 1990 Act; or
 - (c) the approval of a modified scheme in relation to such an enterprise zone,
- may not:
- (i) grant planning permission for EIA development; or
 - (ii) grant planning permission for Schedule 2 development unless that grant is made subject to the prior adoption of a screening opinion or prior making of a screening direction that the particular proposed development is not EIA development.

Local development orders

38.—(1) This regulation applies in relation to Schedule 2 development for which a local planning authority propose to grant planning permission by local development order.

(2) Where this regulation applies, the local planning authority must not adopt or revise a local development order unless they have adopted a screening opinion or the Welsh Ministers have made a screening direction.

(3) Paragraph (4) and Schedule 5 apply where—

- (a) the local planning authority adopts a screening opinion; or
- (b) the Welsh Ministers make a screening direction under these Regulations,

to the effect that the development is EIA development.

(4) The local planning authority must not adopt or revise a local development order which would grant planning permission for EIA development unless—

- (a) an environmental statement has been prepared in relation to that development; and

(1) *See* the definition of "simplified planning zone" in section 336 of the 1990 Act.

- (b) bod yr awdurdod wedi cymryd yr wybodaeth amgylcheddol i ystyriaeth, a'i fod yn nodi yn ei benderfyniad ei fod wedi gwneud hynny.

Gorchymynion adran 97 a gorchymynion adran 102

39.—(1) Mae'r rheoliad hwn yn gymwys pan fo awdurdod cynllunio lleol neu Weinidogion Cymru yn bwriadu gwneud neu gadarnhau gorchymyn adran 97 neu orchymyn adran 102.

(2) Yn y rheoliad hwn—

ystyr “gorchymyn adran 97” (“*section 97 order*”) yw—

- (a) gorchymyn awdurdod cynllunio lleol o dan adran 97(1) o Ddeddf 1990, neu
- (b) gorchymyn Gweinidogion Cymru o dan adran 100(1) o Ddeddf 1990,
- (c) addasu unrhyw ganiatâd i ddatblygu tir; ac

ystyr “gorchymyn adran 102” (“*section 102 order*”) yw gorchymyn awdurdod cynllunio lleol o dan adran 102 o Ddeddf 1990 neu orchymyn Gweinidogion Cymru i'r perwyl hwnnw yn unol ag adran 104(1) o Ddeddf 1990.

(3) Ni chaiff yr awdurdod cynllunio lleol na Gweinidogion Cymru wneud na chadarnhau, gorchymyn adran 97 neu orchymyn adran 102 mewn perthynas â datblygiad Atodlen 2 oni bai bod yr awdurdod cynllunio lleol wedi mabwysiadu barn sgrinio neu bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio.

(4) Mae paragraffau (5) a (6) ac Atodlen 6 yn gymwys—

- (a) i ddatblygiad Atodlen 1;
- (b) pan fo naill ai—
 - (i) yr awdurdod cynllunio lleol yn mabwysiadu barn sgrinio, neu
 - (ii) Gweinidogion Cymru yn gwneud cyfarwyddyd sgrinio o dan y Rheoliadau hyn,

i'r perwyl bod y datblygiad yn ddatblygiad AEA.

(5) Ni chaiff yr awdurdod cynllunio lleol wneud gorchymyn adran 97 sy'n caniatáu neu'n gwneud yn ofynnol datblygiad AEA oni bai—

- (a) ei fod wedi paratoi datganiad amgylcheddol mewn perthynas â'r datblygiad hwnnw; a
- (b) ei fod wedi cymryd yr wybodaeth amgylcheddol i ystyriaeth a'i fod yn nodi yn ei benderfyniad ei fod wedi gwneud hynny.

- (b) the authority has taken the environmental information into consideration, and they state in their decision that they have done so.

Section 97 orders and section 102 orders

39.—(1) This regulation applies where a local planning authority or the Welsh Ministers propose to make or confirm a section 97 order or a section 102 order.

(2) In this regulation—

“section 97 order” (“*gorchymyn adran 97*”) means—

- (a) an order of a local planning authority under section 97(1) of the 1990 Act, or
- (b) an order of the Welsh Ministers under section 100(1) of the 1990 Act,
- (c) modifying any permission to develop land; and

“section 102 order” (“*gorchymyn adran 102*”) means an order of a local planning authority under section 102 of the 1990 Act or an order of the Welsh Ministers to like effect pursuant to section 104(1) of the 1990 Act.

(3) The local planning authority must not make and the Welsh Ministers must not make or confirm, a section 97 order or a section 102 order in relation to Schedule 2 development unless the local planning authority have adopted a screening opinion or the Welsh Ministers have made a screening direction.

(4) Paragraphs (5) and (6) and Schedule 6 apply—

- (a) to Schedule 1 development;
- (b) where either—
 - (i) the local planning authority adopts a screening opinion, or
 - (ii) the Welsh Ministers make a screening direction under these Regulations,

to the effect that the development is EIA development.

(5) The local planning authority must not make a section 97 order which permits or requires EIA development unless—

- (a) they have prepared an environmental statement in relation to that development; and
- (b) they have taken the environmental information into consideration and they state in their decision that they have done so.

(6) Ni chaiff Gweinidogion Cymru gadarnhau na gwneud gorchymyn adran 97 na gorchymyn adran 102 sy'n caniatáu neu'n gwneud yn ofynnol datblygiad AEA oni bai—

- (a) bod datganiad amgylcheddol wedi ei baratoi mewn perthynas â'r datblygiad hwnnw; a
- (b) eu bod wedi cymryd yr wybodaeth amgylcheddol i ystyriaeth a'u bod yn nodi yn eu penderfyniad eu bod wedi gwneud hynny.

RHAN 10

Datblygiad Anawdurdodedig

Dehongli

40. Yn y Rhan hon—

ystyr “apêl sail (a)” (“*ground (a) appeal*”) yw apêl a gyflwynir o dan adran 174(2)(a) o Ddeddf 1990; ac

ystyr “datblygiad AEA anawdurdodedig” (“*unauthorised EIA development*”) yw datblygiad AEA sy'n destun hysbysiad gorfodi o dan adran 172 o Ddeddf 1990 (dyroddi hysbysiad gorfodi)(1).

Gwahardd rhoi caniatâd cynllunio i ddatblygiad AEA anawdurdodedig

41. Ni chaiff Gweinidogion Cymru nac arolygydd roi caniatâd cynllunio na chaniatâd dilynol o dan adran 177(1) o Ddeddf 1990 (rhoi neu addasu caniatâd cynllunio ar apeliadau yn erbyn hysbysiaidau gorfodi)(2) mewn cysylltiad â datblygiad AEA anawdurdodedig oni bai bod Gweinidogion Cymru neu'r arolygydd wedi cymryd yr wybodaeth amgylcheddol i ystyriaeth yn gyntaf, a rhaid iddynt nodi yn eu penderfyniad eu bod wedi gwneud hynny.

Barnau sgrinio

42.—(1) Pan ymddengys i'r awdurdod cynllunio lleol y dyroddir hysbysiad gorfodi ganddo neu ar ei ran bod y materion sy'n golygu torri rheol gynllunio yn ddatblygiad Atodlen 1 neu'n cynnwys datblygiad Atodlen 1 neu'n ddatblygiad Atodlen 2 neu'n cynnwys datblygiad Atodlen 2 rhaid iddo, cyn y dyroddir yr hysbysiad gorfodi, fabwysiadu barn sgrinio.

(6) The Welsh Ministers must not confirm or make a section 97 order or a section 102 order which permits or requires EIA development unless—

- (a) an environmental statement has been prepared in relation to that development; and
- (b) they have taken the environmental information into consideration and they state in their decision that they have done so.

PART 10

Unauthorised Development

Interpretation

40. In this Part—

“unauthorised EIA development” (“*datblygiad AEA anawdurdodedig*”) means EIA development which is the subject of an enforcement notice under section 172 of the 1990 Act (issue of enforcement notice)(1); and

“ground (a) appeal” (“*apêl sail (a)*”) means an appeal brought under section 174(2)(a) of the 1990 Act.

Prohibition on the grant of planning permission for unauthorised EIA development

41. The Welsh Ministers or an inspector must not grant planning permission or subsequent consent under section 177(1) of the 1990 Act (grant or modification of planning permission on appeals against enforcement notices)(2) in respect of unauthorised EIA development unless the Welsh Ministers or inspector has first taken the environmental information into consideration, and they must state in the decision that they have done so.

Screening opinions

42.—(1) Where it appears to the local planning authority by whom or on whose behalf an enforcement notice is to be issued that the matters constituting the breach of planning control comprise or include Schedule 1 development or Schedule 2 development they must, before the enforcement notice is issued, adopt a screening opinion.

(1) Amnewidiwyd adran 172 gan adran 5 o Ddeddf 1991.

(2) Amnewidiwyd adran 177 gan adrannau 6(3) a 32 o Ddeddf 1991, ac Atodlen 7, paragraff 24 iddi; a chan adran 123(1), (6) o Ddeddf Lleoliaeth 2011 (p. 20). Mae diwygiad arall nad yw'n berthnasol i'r offeryn hwn.

(1) Section 172 was substituted by section 5 of the 1991 Act.

(2) Section 177 was amended by sections 6(3) and 32 of, and paragraph 24 of Schedule 7 to, the 1991 Act; section 123(1), (6) of the Localism Act 2011 (c. 20). There is another amendment which is not relevant to this instrument.

(2) Pan ymddengys i'r awdurdod cynllunio lleol y dyroddir hysbysiad gorfodi ganddo neu ar ei ran bod y materion sy'n golygu torri rheol gynllunio yn ddatblygiad AEA neu'n cynnwys datblygiad AEA, rhaid iddo gyflwyno gyda'r copi o'r hysbysiad gorfodi, hysbysiad (“hysbysiad rheoliad 42”) y mae'n rhaid iddo—

- (a) cynnwys y farn sgrinio sy'n ofynnol gan baragraff (1) a'r datganiad sy'n ofynnol gan reoliad 4(7); a
- (b) ei gwneud yn ofynnol i berson sy'n rhoi hysbysiad o apêl o dan adran 174 o Ddeddf 1990(1) gyflwyno dau gopi o ddatganiad amgylcheddol sy'n ymwneud â'r datblygiad AEA hwnnw i Weinidogion Cymru gyda'r hysbysiad.

(3) Rhaid i'r awdurdod a gyflwynodd hysbysiad rheoliad 42 anfon copi ohono i—

- (a) Gweinidogion Cymru;
- (b) yr ymgynghoreion; ac
- (c) unrhyw berson penodol y mae'r awdurdod yn ymwybodol ohono, sy'n debygol o gael ei effeithio gan, neu sydd â diddordeb yn, yr hysbysiad rheoliad 42.

(4) Pan fo awdurdod yn darparu copi o hysbysiad rheoliad 42 i Weinidogion Cymru, rhaid iddo gynnwys gydag ef restr o'r personau eraill y mae copi o'r hysbysiad wedi ei anfon neu sydd am gael ei anfon iddynt.

Cyfarwyddau sgrinio

43.—(1) Caiff unrhyw berson y cyflwynir hysbysiad rheoliad 42 iddo, wneud cais i Weinidogion Cymru am gyfarwyddyd sgrinio o fewn 21 diwrnod yn dechrau â'r dyddiad y cyflwynir yr hysbysiad.

(2) Rhaid i'r canlynol gael eu cyflwyno ynghyd â'r cais am gyfarwyddyd sgrinio—

- (a) copi o'r hysbysiad rheoliad 42;
- (b) copi o'r hysbysiad gorfodi oedd yn mynd ynghyd ag ef; ac
- (c) pa bynnag wybodaeth neu sylwadau eraill y gallai'r ceisydd dymuno eu darparu neu eu gwneud.

(2) Where it appears to the local planning authority by whom or on whose behalf an enforcement notice is to be issued that the matters constituting the breach of planning control comprise or include EIA development they must serve with a copy of the enforcement notice a notice (“regulation 42 notice”) which must—

- (a) include the screening opinion required by paragraph (1) and the statement required by regulation 4(7); and
- (b) require a person who gives notice of an appeal under section 174 of the 1990 Act(1) to submit to the Welsh Ministers with the notice two copies of an environmental statement relating to that EIA development.

(3) The authority by whom a regulation 42 notice has been served must send a copy of it to—

- (a) the Welsh Ministers;
- (b) the consultees; and
- (c) any particular person of whom the authority is aware, who is likely to be affected by, or has an interest in, the regulation 42 notice.

(4) Where an authority provide the Welsh Ministers with a copy of a regulation 42 notice they must include with it a list of the other persons to whom a copy of the notice has been or is to be sent.

Screening directions

43.—(1) Any person on whom a regulation 42 notice is served may, within 21 days beginning with the date the notice is served, apply to the Welsh Ministers for a screening direction.

(2) An application for a screening direction must be accompanied by—

- (a) a copy of the regulation 42 notice;
- (b) a copy of the enforcement notice which accompanied it; and
- (c) such other information or representations as the applicant may wish to provide or make.

(1) Diwygiwyd adran 174 gan adran 6(1) o Ddeddf 1991 a pharagraff 22 o Atodlen 7 i'r Ddeddf honno; Deddf Cynllunio (Cymru) 2015, adran 46; a chan O.S 2003/956. *Gweler* hefyd adran 177(5) a ddiwygiwyd gan baragraff 24 o Atodlen 7 i Ddeddf 1991.

(1) Section 174 was amended by section 6(1) of, and paragraph 22 of Schedule 7 to, the 1991 Act; the Planning (Wales) Act 2015, section 46; and by S.I 2003/956. *See also* section 177(5) which was amended by paragraph 24 of Schedule 7 to the 1991 Act.

(3) Ar yr un pryd ag y gwneir cais i Weinidogion Cymru, rhaid i'r ceisydd anfon copi o'r cais ac unrhyw wybodaeth neu sylwadau a ddarperir neu a wnaed yn unol â pharagraff (2)(c) i'r awdurdod a gyflwynodd yr hysbysiad rheoliad 42.

(4) Os yw Gweinidogion Cymru yn ystyried nad yw'r wybodaeth a ddarperir yn unol â pharagraff (2)(a) yn ddigonol i wneud cyfarwyddyd, rhaid iddynt hysbysu'r ceisydd a'r awdurdod am y materion y mae angen gwybodaeth ychwanegol amdanynt; a rhaid i'r wybodaeth y gofynnwyd amdani felly gael ei darparu gan y ceisydd o fewn pa bynnag gyfnod rhesymol a bennir yn yr hysbysiad.

(5) Rhaid i Weinidogion Cymru anfon copi o'r cyfarwyddyd i'r ceisydd.

(6) Pan fo Gweinidogion Cymru yn cyfarwyddo nad yw'r materion yr honnir eu bod yn torri rheol gynllunio yn ddatblygiad AEA nac yn cynnwys datblygiad AEA, rhaid iddynt anfon copi o'r cyfarwyddyd i bob person yr anfonwyd copi o'r hysbysiad rheoliad 42 atynt.

Darparu gwybodaeth

44.—(1) Rhaid i'r awdurdod cynllunio perthnasol ac unrhyw berson, ac eithrio Gweinidogion Cymru, yr anfonwyd copi o hysbysiad rheoliad 42 iddynt (“yr ymgynghorai rheoliad 42”), ymgynghori â'r person hwnnw, os gofynnir iddo wneud hynny gan y person y cyflwynwyd yr hysbysiad rheoliad 42 iddo, er mwyn penderfynu a oes gan yr ymgynghorai rheoliad 42 unrhyw wybodaeth yn ei feddiant y mae'r person hwnnw neu'r ymgynghorai rheoliad 42 yn ystyried ei bod yn berthnasol ar gyfer paratoi datganiad amgylcheddol ac os oes ganddo, rhaid i'r ymgynghorai rheoliad 42 sicrhau bod unrhyw wybodaeth o'r fath ar gael i'r person hwnnw.

(2) Mae rheoliad 15(5) yn gymwys i wybodaeth o dan baragraff (1) fel y mae'n gymwys i unrhyw wybodaeth sy'n dod o fewn rheoliad 15(4).

Apêl i Weinidogion Cymru heb farn sgrinio neu gyfarwyddyd sgrinio

45.—(1) Pan ymddengys i Weinidogion Cymru wrth ystyried apêl o dan adran 174 o Ddeddf 1990 bod y materion yr honnir eu bod yn golygu torri rheol gynllunio yn ddatblygiad Atodlen 1 neu'n cynnwys datblygiad Atodlen 1, neu'n ddatblygiad Atodlen 2 neu'n cynnwys datblygiad Atodlen 2, rhaid iddynt wneud cyfarwyddyd sgrinio cyn y cyflwynir unrhyw hysbysiad yn unol â rheoliad 46.

(2) Pan fo arolygydd yn ymdrin ag apêl o dan adran 174 o Ddeddf 1990 a bod cwestiwn yn codi ynghylch a yw'r materion yr honnir eu bod yn golygu torri rheol gynllunio yn ddatblygiad Atodlen 1 neu'n cynnwys

(3) At the same time as applying to the Welsh Ministers, the applicant must send to the authority by whom the regulation 42 notice was served, a copy of the application and of any information or representations provided or made in accordance with paragraph (2)(c).

(4) If the Welsh Ministers consider that the information provided in accordance with paragraph (2)(a) is insufficient to make a direction, they must notify the applicant and the authority of the matters in respect of which additional information is required; and the information so requested must be provided by the applicant within such reasonable period as may be specified in the notice.

(5) The Welsh Ministers must send a copy of the direction to the applicant.

(6) Where the Welsh Ministers direct that the matters which are alleged to constitute the breach of planning control do not comprise or include EIA development, they must send a copy of the direction to every person to whom a copy of the regulation 42 notice was sent.

Provision of information

44.—(1) The relevant planning authority and any person, other than the Welsh Ministers, to whom a copy of the regulation 42 notice has been sent (“the regulation 42 consultee”) must, if requested by the person on whom the regulation 42 notice was served, enter into consultation with that person to determine whether the regulation 42 consultee has in their possession any information which that person or the regulation 42 consultee considers relevant to the preparation of an environmental statement and if they have, the regulation 42 consultee must make any such information available to that person.

(2) Regulation 15(5) applies to information under paragraph (1) as it applies to any information falling within regulation 15(4).

Appeal to the Welsh Ministers without a screening opinion or screening direction

45.—(1) Where on consideration of an appeal under section 174 of the 1990 Act it appears to the Welsh Ministers that the matters alleged to constitute the breach of planning control comprise or include Schedule 1 development or Schedule 2 development, they must, before any notice is served pursuant to regulation 46, make a screening direction.

(2) Where an inspector is dealing with an appeal under section 174 of the 1990 Act and a question arises as to whether the matters alleged to constitute the breach of planning control comprise or include

datblygiad Atodlen 1, neu'n ddatblygiad Atodlen 2 neu'n cynnwys datblygiad Atodlen 2, rhaid i'r arolygydd atgyfeirio'r cwestiwn hwnnw i Weinidogion Cymru.

(3) Cyn cael cyfarwyddyd sgrinio ni chaiff yr arolygydd benderfynu ar gais y tybir ei fod wedi ei wneud yn rhinwedd yr apêl o dan adran 174 o Ddeddf 1990 ("y cais tybiedig") ac eithrio i wrthod y cais hwnnw.

(4) Pan atgyfeirir cwestiwn o dan baragraff (2), rhaid i Weinidogion Cymru wneud cyfarwyddyd sgrinio o fewn 21 diwrnod yn dechrau â'r dyddiad yr atgyfeiriwyd y cwestiwn neu unrhyw gyfnod hwy y gwneir yn ofynnol yn rhesymol.

(5) Rhaid i Weinidogion Cymru anfon copi o unrhyw gyfarwyddyd sgrinio a wneir yn unol â pharagraff (4) i'r arolygydd.

(6) Os yw Gweinidogion Cymru yn ystyried nad oes digon o wybodaeth wedi ei darparu i wneud cyfarwyddyd sgrinio, rhaid iddynt roi hysbysiad i'r ceisydd a'r awdurdod a gyflwynodd yr hysbysiad rheoliad 42 am y materion y mae angen gwybodaeth ychwanegol amdanynt ac mae'n rhaid i'r wybodaeth honno y gofynnir amdani felly gael ei darparu gan y ceisydd o fewn unrhyw gyfnod rhesymol a bennir yn yr hysbysiad.

(7) Os bydd apelydd sydd wedi cael hysbysiad o dan baragraff (6) yn methu â chydymffurfio â gofynion yr hysbysiad hwnnw—

(a) mae'r cais y tybir ei fod wedi ei wneud yn rhinwedd yr apêl a wnaed o dan adran 174 o Ddeddf 1990; a

(b) yr apêl i'r graddau y mae'n apêl sail (a),

yn dod i ben ar ddiwedd y cyfnod a bennir yn yr hysbysiad.

Apêl i Weinidogion Cymru heb ddatganiad amgylcheddol

46.—(1) Mae'r weithdrefn ym mharagraff (2) yn gymwys pan fo—

(a) Gweinidogion Cymru neu arolygydd yn ystyried apêl o dan adran 174 o Ddeddf 1990;

(b) y materion yr honnir eu bod yn golygu torri'r rheol gynllunio yn ddatblygiad AEA anawdurdodedig neu'n cynnwys datblygiad AEA anawdurdodedig; ac

(c) nid yw'r dogfennau a gyflwynir at ddibenion yr apêl yn cynnwys datganiad y cyfeirir ato gan yr apelydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn.

(2) Y weithdrefn yw—

Schedule 1 development or Schedule 2 development, the inspector must refer that question to the Welsh Ministers.

(3) Before receiving a screening direction the inspector may not determine the application which is deemed to have been made by virtue of the appeal under section 174 of the 1990 Act ("the deemed application") except to refuse that application.

(4) Where a question is referred under paragraph (2), the Welsh Ministers must make a screening direction within 21 days beginning with the date on which the question was referred or such longer period as may be reasonably required.

(5) The Welsh Ministers must send a copy of any screening direction made pursuant to paragraph (4) to the inspector.

(6) If the Welsh Ministers consider that sufficient information to make a screening direction has not been provided, they must give notice to the applicant and the authority by whom the regulation 42 notice was served, of the matters in respect of which additional information is required and the information so requested must be provided by the applicant within such reasonable period as may be specified in the notice.

(7) If an appellant to whom notice has been given under paragraph (6) fails to comply with the requirements of that notice—

(a) the application which is deemed to have been made by virtue of the appeal made under section 174 of the 1990 Act; and

(b) the appeal in so far as it is a ground (a) appeal,

lapse at the end of the period specified in the notice.

Appeal to the Welsh Ministers without an environmental statement

46.—(1) The procedure in paragraph (2) applies where—

(a) the Welsh Ministers or an inspector are considering an appeal under section 174 of the 1990 Act;

(b) the matters which are alleged to constitute the breach of planning control comprise or include unauthorised EIA development; and

(c) the documents submitted for the purposes of the appeal do not include a statement referred to by the appellant as an environmental statement for the purposes of these Regulations.

(2) The procedure is—

- (a) rhaid i Weinidogion Cymru, o fewn y cyfnod o 21 diwrnod sy'n dechrau gyda'r diwrnod y ceir yr apêl, neu unrhyw gyfnod hwy y gwneir yn ofynnol yn rhesymol, hysbysu'r apelydd o ofynion is-baragraff (c) isod; ond mae hyn yn ddarostyngedig i is-baragraff (b);
- (b) nid oes angen hysbysu o dan is-baragraff (a) pan fo'r apelydd wedi cyflwyno datganiad amgylcheddol i Weinidogion Cymru at ddibenion apêl o dan adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath) sydd yn—
 - (i) ymwneud â'r datblygiad y mae'r apêl o dan adran 174 o Ddeddf 1990 yn ymwneud ag ef; a
 - (ii) i'w benderfynu ar yr un adeg â'r apêl o dan adran 174 o Ddeddf 1990;

ac mae'n rhaid trin y datganiad, unrhyw wybodaeth bellach, unrhyw wybodaeth arall a'r sylwadau (os oes rhai) a wneir mewn perthynas ag ef fel yr wybodaeth amgylcheddol at ddiben rheoliad 41;

- (c) rhaid i'r apelydd, o fewn y cyfnod a bennir yn yr hysbysiad neu pa bynnag gyfnod hwy y caniateir gan Weinidogion Cymru, gyflwyno dau gopi o ddatganiad amgylcheddol sy'n ymwneud â'r datblygiad AEA anawdurdodedig dan sylw i Weinidogion Cymru;
- (d) rhaid i Weinidogion Cymru anfon copi o unrhyw hysbysiad a anfonwyd i'r apelydd o dan is-baragraff (a) i'r awdurdod cynllunio perthnasol;
- (e) os bydd apelydd y rhoddwyd hysbysiad o dan is-baragraff (a) iddo yn methu â chydymffurfio â gofynion is-baragraff (c), bydd y cais tybiedig ac unrhyw apêl sail (a) yn dod i ben ar ddiwedd y cyfnod a bennir neu a ganiateir (yn ôl y digwydd);
- (f) cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r terfynu a ddisgrifir yn is-baragraff (e) ddigwydd, rhaid i Weinidogion Cymru hysbysu'r apelydd a'r awdurdod cynllunio lleol bod y cais tybiedig ac unrhyw apêl sail (a) wedi dod i ben.

Gweithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru

47. Pan fo Gweinidogion Cymru yn cael datganiad amgylcheddol mewn cysylltiad ag apêl gorfodi (ac eithrio fel y crybwyllir yn rheoliad 46(2)(b)), rhaid iddynt—

- (a) the Welsh Ministers must, within the period of 21 days beginning with the day on which the appeal is received, or such longer period as may be reasonably required, notify the appellant of the requirements of sub-paragraph (c) below; but this is subject to sub-paragraph (b);
- (b) notice need not be given under sub-paragraph (a) where the appellant has submitted an environmental statement to the Welsh Ministers for the purposes of an appeal under section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) which—
 - (i) relates to the development to which the appeal under section 174 of the 1990 Act relates; and
 - (ii) is to be determined at the same time as the appeal under section 174 of the 1990 Act;

and that statement, any further information, any other information and the representations (if any) made in relation to it must be treated as the environmental information for the purpose of regulation 41;

- (c) the appellant must, within the period specified in the notice or such longer period as the Welsh Ministers may allow, submit to the Welsh Ministers two copies of an environmental statement relating to the unauthorised EIA development in question;
- (d) the Welsh Ministers must send to the relevant planning authority a copy of any notice sent to the appellant under sub-paragraph (a);
- (e) if an appellant to whom notice has been given under sub-paragraph (a) fails to comply with the requirements of sub-paragraph (c), the deemed application and any ground (a) appeal lapse at the end of the period specified or allowed (as the case may be);
- (f) as soon as reasonably practicable after the occurrence of the lapse described in subparagraph (e), the Welsh Ministers must notify the appellant and the local planning authority that the deemed application and any ground (a) appeal have lapsed.

Procedure where an environmental statement is submitted to the Welsh Ministers

47. Where the Welsh Ministers receive (otherwise than as mentioned in regulation 46(2)(b)) an environmental statement in connection with an enforcement appeal, they must—

- (a) anfon copi o'r datganiad hwnnw i'r awdurdod cynllunio perthnasol, cynghori'r awdurdod y bydd y datganiad yn cael ei gymryd i ystyriaeth wrth benderfynu ar y cais tybiedig a'r apêl sail (a) (os oes un), a'i hysbysu y caniateir iddo gyflwyno sylwadau;
- (b) hysbysu'r personau yr anfonwyd copi o'r hysbysiad rheoliad 42 perthnasol atynt y bydd y datganiad yn cael ei gymryd i ystyriaeth wrth benderfynu ar y cais tybiedig a'r apêl sail (a) (os oes un), a'u hysbysu y caniateir iddynt gyflwyno sylwadau ac, os ydynt yn dymuno cael copi o'r datganiad neu unrhyw ran ohono, bod yn rhaid iddynt hysbysu Gweinidogion Cymru o'u gofynion o fewn 7 diwrnod i gael hysbysiad Gweinidogion Cymru; ac
- (c) ymateb i ofynion a hysbysir yn unol â pharagraff (b) drwy ddarparu copi o'r datganiad neu o'r rhan y gofynnwyd amdani (yn ôl y digwydd).

Gwybodaeth bellach a thystiolaeth ynghylch datganiadau amgylcheddol

48. Mae rheoliad 22(1) a (10) yn gymwys i ddatganiadau a ddarperir yn unol â'r Rhan hon gyda'r addasiadau canlynol—

- (a) pan fo Gweinidogion Cymru neu arolygydd yn hysbysu'r apelydd o dan reoliad 22(1), rhaid i'r apelydd ddarparu'r wybodaeth bellach o fewn unrhyw gyfnod a bennir gan Weinidogion Cymru neu'r arolygydd yn yr hysbysiad neu ba bynnag gyfnod hwy y caniateir gan Weinidogion Cymru neu'r arolygydd;
- (b) os bydd apelydd y mae hysbysiad wedi ei roi iddo o dan baragraff (a) yn methu â darparu'r wybodaeth bellach o fewn y cyfnod a bennir neu a ganiateir, bydd y cais tybiedig a'r apêl sail (a) (os oes un) yn dod i ben ar ddiwedd y cyfnod hwnnw.

Cyhoeddusrwydd ar gyfer datganiadau amgylcheddol neu wybodaeth bellach

49.—(1) Pan fo awdurdod yn cael copi o ddatganiad neu wybodaeth bellach yn rhinwedd rheoliad 47(a) neu unrhyw wybodaeth arall, rhaid iddo gyhoeddi hysbysiad drwy hysbyseb lleol sy'n nodi—

- (a) enw'r apelydd a bod yr hysbysiad gorfodi wedi ei apelio i Weinidogion Cymru;
- (b) cyfeiriad neu leoliad y tir y mae'r hysbysiad yn ymwneud ag ef a natur y datblygiad;

- (a) send a copy of that statement to the relevant planning authority, advise the authority that the statement will be taken into consideration in determining the deemed application and the ground (a) appeal (if any), and inform them that they may make representations;
- (b) notify the persons to whom a copy of the relevant regulation 42 notice was sent that the statement will be taken into consideration in determining the deemed application and the ground (a) appeal (if any), and inform them that they may make representations and that, if they wish to receive a copy of the statement or any part of it, they must notify the Welsh Ministers of their requirements within 7 days of the receipt of the Welsh Ministers' notice; and
- (c) respond to requirements notified in accordance with paragraph (b) by providing a copy of the statement or of the part requested (as the case may be).

Further information and evidence respecting environmental statements

48. Regulation 22(1) and (10) apply to statements provided in accordance with this Part with the following modifications—

- (a) where the Welsh Ministers or an inspector notify the appellant under regulation 22(1), the appellant must provide the further information within such period as the Welsh Ministers or the inspector may specify in the notice or such longer period as the Welsh Ministers or the inspector may allow;
- (b) if an appellant to whom a notice has been given under paragraph (a) fails to provide the further information within the period specified or allowed, the deemed application and the ground (a) appeal (if any) lapse at the end of that period.

Publicity for environmental statements or further information

49.—(1) Where an authority receive a copy of a statement or further information by virtue of regulation 47(a) or any other information they must publish by local advertisement a notice stating—

- (a) the name of the appellant and that the enforcement notice has been appealed to the Welsh Ministers;
- (b) the address or location of the land to which the notice relates and the nature of the development;

- (c) digon o wybodaeth i alluogi adnabod unrhyw ganiatâd cynllunio ar gyfer y datblygiad;
- (d) bod copi o'r datganiad, gwybodaeth bellach neu unrhyw wybodaeth arall ac o unrhyw ganiatâd cynllunio ar gael i aelodau o'r cyhoedd edrych arnynt ar bob adeg resymol;
- (e) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle caiff y cyhoedd edrych ar y datganiad neu wybodaeth bellach neu unrhyw wybodaeth arall, a'r dyddiad olaf y bydd ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (f) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau am unrhyw fater sy'n cael ei drin yn y datganiad neu'r wybodaeth bellach neu unrhyw wybodaeth arall eu cyflwyno i Weinidogion Cymru dim hwyrach na 21 diwrnod ar ôl y dyddiad a nodir yn unol ag is-baragraff (e); a
- (g) y cyfeiriad y dylid anfon unrhyw sylwadau o'r fath iddo.

(2) Rhaid i'r awdurdod, cyn gynted ag y bo'n ymarferol ar ôl cyhoeddi hysbysiad yn unol â pharagraff (1), anfon copi o'r hysbysiad i Weinidogion Cymru, wedi ei ardstyio gan neu ar ran yr awdurdod ei fod wedi ei gyhoeddi drwy hysbyseb lleol ar ddyddiad a bennir yn y dystysgrif.

(3) Ni chaiff Gweinidogion Cymru sy'n cael tystysgrif o dan baragraff (2) nac arolygydd benderfynu ar y cais tybiedig na'r apêl sail (a) mewn cysylltiad â'r datblygiad y mae'r dystysgrif yn ymwneud ag ef hyd nes bod y cyfnod o 21 diwrnod o'r dyddiad a nodir yn yr hysbysiad cyhoeddedig fel y dyddiad olaf yr oedd y datganiad neu'r wybodaeth bellach ar gael i'r cyhoedd edrych arnynt wedi dod i ben.

Dogfennau ar gael i'r cyhoedd edrych arnynt

50.—(1) Rhaid i'r awdurdod cynllunio perthnasol sicrhau bod copi o'r canlynol ar gael i'r cyhoedd edrych arnynt ar bob adeg resymol yn y lle y cedwir y gofrestr briodol (neu ran berthnasol o'r gofrestr)—

- (a) pob hysbysiad rheoliad 42 a roddwyd gan yr awdurdod;
- (b) pob hysbysiad a gafwyd gan yr awdurdod o dan reoliad 46(2)(d); ac
- (c) pob datganiad a phob gwybodaeth bellach a gafwyd gan yr awdurdod o dan reoliad 47(a);

- (c) sufficient information to enable any planning permission for the development to be identified;
- (d) that a copy of the statement, further information or any other information and of any planning permission may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which the statement or further information or any other information may be inspected, and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) that any person wishing to make representations about any matter dealt with in the statement or further information or any other information should make them, no later than 21 days after the date stated in accordance with sub-paragraph (e), to the Welsh Ministers; and
- (g) the address to which any such representations should be sent.

(2) The authority must, as soon as practicable after publication of a notice in accordance with paragraph (1), send to the Welsh Ministers a copy of the notice certified by or on behalf of the authority as having been published by local advertisement on a date specified in the certificate.

(3) Neither the Welsh Ministers receiving a certificate under paragraph (2) nor an inspector may determine the deemed application or the ground (a) appeal in respect of the development to which the certificate relates until the expiry of 21 days from the date stated in the published notice as the last date on which the statement or further information was available for inspection.

Public inspection of documents

50.—(1) The relevant planning authority must make available for public inspection at all reasonable hours at the place where the appropriate register (or relevant part of that register) is kept, a copy of—

- (a) every regulation 42 notice given by the authority;
- (b) every notice received by the authority under regulation 46(2)(d); and
- (c) every statement and all further information received by the authority under regulation 47(a);

a rhaid i gopiâu o'r dogfennau hynny barhau i fod ar gael felly am gyfnod o 2 flynedd neu hyd y byddant yn cael ei gosod yn Rhan 2 o'r gofrestr yn unol â pharagraff (2), pa bynnag un sy'n digwydd gyntaf.

(2) Pan fo manylion am unrhyw ganiatâd cynllunio a roddwyd gan Weinidogion Cymru neu arolygydd o dan adran 177 o Ddeddf 1990 yn cael eu rhoi yn Rhan 2 o'r gofrestr(1), rhaid i'r awdurdod cynllunio perthnasol gymryd camau i sicrhau bod y Rhan honno hefyd yn cynnwys copi o unrhyw rai o'r dogfennau y cyfeirir atynt ym mharagraff (1) sy'n berthnasol i'r datblygiad y rhoddwyd caniatâd cynllunio ar ei gyfer.

(3) Mae darpariaethau rheoliad 24(2) a (3) yn gymwys i gais tybiedig a chaniatâd cynllunio a roddir o dan adran 177 o Ddeddf 1990 fel y maent yn gymwys i gais am ganiatâd cynllunio a rhoi caniatâd cynllunio o dan Ran 3 o Ddeddf 1990.

Effeithiau trawsffiniol sylweddol

51. Mae rheoliad 53 yn gymwys i ddatblygiad AEA anawdurdodedig fel pe bai—

(a) rheoliad 53(1)(a) yn darllen—

“(a) wrth ystyried apêl o dan adran 174 o Ddeddf 1990, mae Gweinidogion Cymru o'r farn bod y materion yr honnir eu bod yn golygu torri rheol gynllunio yn ddatblygiad AEA neu'n cynnwys datblygiad AEA a bod y datblygiad wedi neu yn debygol o gael effeithiau sylweddol ar yr amgylchedd mewn Gwladwriaeth AEE arall; neu”;

(b) yn rheoliad 53(3)(a), “copi o'r cais dan sylw”, yn darllen “disgrifiad o'r datblygiad dan sylw”;

(c) yn rheoliad 53(6), “y cais” yn darllen “yr apêl”.

RHAN 11

Ceisiadau ROMP

Cymhwysiad cyffredinol y Rheoliadau i geisiadau ROMP

52.—(1) Yn y rheoliad hwn ac yn Atodlen 7—

ystyr “awdurdod cynllunio mwynau perthnasol” (“*relevant mineral planning authority*”) yw'r corff sy'n gyfrifol, oedd yn gyfrifol neu a fyddai'n gyfrifol, oni bai am gyfarwyddyd o dan—

(1) *Gweler* adran 177(8) o Ddeddf 1990.

and copies of those documents must remain so available for a period of 2 years or until they are entered in Part 2 of the register in accordance with paragraph (2), whichever is the sooner.

(2) Where particulars of any planning permission granted by the Welsh Ministers or an inspector under section 177 of the 1990 Act are entered in Part 2 of the register(1), the relevant planning authority must take steps to secure that that Part also contains a copy of any of the documents referred to in paragraph (1) as are relevant to the development for which planning permission has been granted.

(3) The provisions of regulation 24(2) and (3) apply to a deemed application and a grant of planning permission under section 177 of the 1990 Act as they apply to an application for and grant of planning permission under Part 3 of the 1990 Act.

Significant transboundary effects

51. Regulation 53 applies to unauthorised EIA development as if—

(a) regulation 53(1)(a) read—

“(a) on consideration of an appeal under section 174 of the 1990 Act the Welsh Ministers are of the opinion that the matters which are alleged to constitute the breach of planning control comprise or include EIA development and that the development has or is likely to have significant effects on the environment in another EEA State; or”;

(b) in regulation 53(3)(a), “a copy of the application concerned” read “a description of the development concerned”;

(c) in regulation 53(6), “application” read “appeal”.

PART 11

ROMP Applications

General application of the Regulations to ROMP applications

52.—(1) In this regulation and in Schedule 7—

“relevant mineral planning authority” (“*awdurdod cynllunio mwynau perthnasol*”) means the body to whom it falls, fell, or would, but for a direction under—

(1) *See* section 177(8) of the 1990 Act.

- (a) paragraff 7 o Atodlen 2 i Ddeddf 1991;
 - (b) paragraff 13 o Atodlen 13 i Ddeddf 1995; neu
 - (c) paragraff 8 o Atodlen 14 i Ddeddf 1995,
- am benderfynu ar y cais ROMP dan sylw;
- ystyr “cais dilynol ROMP” (“*ROMP subsequent application*”) yw cais am gymeradwyo mater—

- (a) pan fo'r gymeradwyaeth yn ofynnol gan neu o dan amod y mae caniatâd cynllunio yn ddarostyngedig iddo ar ôl penderfynu ar gais ROMP; a
- (b) pan fo rhaid cael y gymeradwyaeth cyn y caniateir dechrau ar neu barhau â'r datblygiad mwynau cyfan neu ran o'r datblygiad mwynau a ganiateir gan y caniatâd cynllunio;

ystyr “cais ROMP” (“*ROMP application*”) yw cais i awdurdod cynllunio mwynau perthnasol i benderfynu ar yr amodau y bydd caniatâd cynllunio yn ddarostyngedig iddynt o dan—

- (a) paragraff 2(2) o Atodlen 2 i Ddeddf 1991 (cofrestru hen ganiatadau mwyngloddio);
- (b) paragraff 9(1) o Atodlen 13 i Ddeddf 1995 (adolygu hen ganiatadau cynllunio mwynau); neu
- (c) paragraff 6(1) o Atodlen 14 i Ddeddf 1995 (adolygiad cyfnodol o ganiatadau cynllunio mwynau)(1);

ystyr “caniatâd dilynol ROMP” (“*ROMP subsequent consent*”) yw caniatâd a roddir yn unol â chais dilynol ROMP;

ystyr “datblygiad ROMP” (“*ROMP development*”) yw datblygiad nad yw wedi digwydd eto ac sydd wedi ei awdurdodi gan ganiatâd cynllunio y mae cais ROMP wedi neu yn mynd i gael ei wneud ar ei gyfer;

ystyr “ROMP” (“*ROMP*”) yw adolygiad o hen ganiatâd mwynau.

(2) Yn ddarostyngedig i baragraff (2) a'r addasiadau a'r ychwanegiadau a nodir yn Atodlen 7, mae'r Rheoliadau hyn yn gymwys i—

- (a) cais ROMP fel y maent yn gymwys i gais am ganiatâd cynllunio;
- (b) cais dilynol ROMP fel y maent yn gymwys i gais dilynol;

- (a) paragraph 7 of Schedule 2 to the 1991 Act;
 - (b) paragraph 13 of Schedule 13 to the 1995 Act; or
 - (c) paragraph 8 of Schedule 14 to the 1995 Act,
- fall to determine the ROMP application in question;

“ROMP” (“*ROMP*”) means review of old mineral permission;

“ROMP application” (“*cais ROMP*”) means an application to a relevant mineral planning authority to determine the conditions to which a planning permission is to be subject under—

- (a) paragraph 2(2) of Schedule 2 to the 1991 Act (registration of old mining permissions);
- (b) paragraph 9(1) of Schedule 13 to the 1995 Act (review of old mineral planning permissions); or
- (c) paragraph 6(1) of Schedule 14 to the 1995 Act (periodic review of mineral planning permissions)(1);

“ROMP development” (“*datblygiad ROMP*”) means development which has yet to be carried out and which is authorised by a planning permission in respect of which a ROMP application has been or is to be made;

“ROMP subsequent application” (“*cais dilynol ROMP*”) means an application for approval of a matter where the approval—

- (a) is required by or under a condition to which a planning permission is subject following determination of a ROMP application; and
- (b) must be obtained before all or part of the minerals development permitted by the planning permission may be begun or continued;

“ROMP subsequent consent” (“*caniatâd dilynol ROMP*”) means consent granted pursuant to a ROMP subsequent application.

(2) Subject to paragraph (2) and to the modifications and additions set out in Schedule 7, these Regulations apply to—

- (a) a ROMP application as they apply to an application for planning permission;
- (b) a ROMP subsequent application as they apply to a subsequent application;

(1) Diwygiwyd paragraff 6 gan O.S. 2004/3156 (Cy. 273). Mae diwygiad arall nad yw'n berthnasol i'r Rheoliadau hyn.

(1) Paragraph 6 was amended by S.I. 2004/3156 (W. 273). There is another amendment which is not relevant to these Regulations.

- (c) datblygiad ROMP fel y maent yn gymwys i ddatblygiad y mae cais am ganiatâd cynllunio yn, wedi neu yn mynd i gael ei wneud ar ei gyfer;
 - (d) awdurdod cynllunio mwynau perthnasol fel y maent yn gymwys i awdurdod cynllunio perthnasol;
 - (e) person sy'n gwneud cais ROMP fel y maent yn gymwys i geisydd am ganiatâd cynllunio;
 - (f) person sy'n gwneud cais dilynol ROMP fel y maent yn gymwys i berson sy'n gwneud cais dilynol;
 - (g) penderfyniad ar gais ROMP fel y maent yn gymwys i roi caniatâd cynllunio; a
 - (h) rhoi caniatâd dilynol ROMP fel y maent yn gymwys i roi caniatâd dilynol.
- (3) Nid yw'r Rheoliadau hyn yn gymwys i—
- (a) unrhyw gais ROMP amhenderfynedig y mae Rheoliadau Cynllunio Gwlad a Thref (Aseu Effeithiau Amgylcheddol) (Adolygiadau Amhenderfynedig o Hen Ganiatadau Mwynau) (Cymru) 2009(1) yn gymwys iddo;
 - (b) unrhyw apel mewn perthynas â chais o'r fath.

RHAN 12

Datblygiad ag Effeithiau Trawsffiniol Sylweddol

Datblygiad yng Nghymru sy'n debygol o gael effeithiau sylweddol mewn Gwladwriaeth AEE arall

53.—(1) Pan—

- (a) y daw i sylw Gweinidogion Cymru bod datblygiad y bwriedir ei gynnal yng Nghymru yn destun cais AEA ac yn debygol o gael effeithiau sylweddol ar yr amgylchedd mewn Gwladwriaeth AEE arall; neu
- (b) bod Gwladwriaeth AEE arall sy'n debygol o gael ei heffeithio'n sylweddol gan ddatblygiad o'r fath yn gofyn iddynt,

rhaid i Weinidogion Cymru—

- (i) anfon y manylion a grybwyllwyd ym mharagraff (2) ac, os yn berthnasol, yr wybodaeth y cyfeirir ati ym mharagraff (3) i'r Wladwriaeth AEE cyn gynted ag y bo modd a dim hwyrach na'r dyddiad cyhoeddi yn The London Gazette y cyfeirir ato ym mharagraff (ii) isod;

- (c) ROMP development as they apply to development in respect of which an application for planning permission is, has been, or is to be made;
- (d) a relevant mineral planning authority as they apply to a relevant planning authority;
- (e) a person making a ROMP application as they apply to an applicant for planning permission;
- (f) a person making a ROMP subsequent application as they apply to a person making a subsequent application;
- (g) the determination of a ROMP application as they apply to the granting of a planning permission; and
- (h) the granting of ROMP subsequent consent as they apply to the granting of subsequent consent.

(3) These Regulations do not apply to—

- (a) any undetermined ROMP application to which the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009(1) apply;
- (b) to any appeal in relation to such an application.

PART 12

Development with Significant Transboundary Effects

Development in Wales likely to have significant effects in another EEA State

53.—(1) Where—

- (a) it comes to the attention of the Welsh Ministers that development proposed to be carried out in Wales is the subject of an EIA application and is likely to have significant effects on the environment in another EEA State; or
- (b) another EEA State likely to be significantly affected by such development so requests,

the Welsh Ministers must—

- (i) send to the EEA State as soon as possible and no later than their date of publication in The London Gazette referred to in paragraph (ii) below, the particulars mentioned in paragraph (2) and, if relevant, the information referred to in paragraph (3);

- (ii) cyhoeddi'r wybodaeth ym mharagraff (i) uchod mewn hysbysiad a roddir yn The London Gazette yn dangos y cyfeiriad lle mae gwybodaeth ychwanegol ar gael; a
- (iii) rhoi amser rhesymol i'r Wladwriaeth AEE ddynodi a yw'n dymuno cymryd rhan yn y weithdrefn y mae'r Rheoliadau hyn yn darparu ar ei chyfer.

(2) Y manylion y cyfeirir atynt ym mharagraff (1)(b)(i) yw—

- (a) disgrifiad o'r datblygiad ynghyd ag unrhyw wybodaeth sydd ar gael ar ei effaith sylweddol bosibl ar yr amgylchedd mewn Aelod-wladwriaeth arall; a
- (b) gwybodaeth ar natur y penderfyniad y caniateir ei wneud.

(3) Pan fo Gwladwriaeth AEE yn dynodi, yn unol â pharagraff (1)(b)(iii), ei bod yn dymuno cymryd rhan yn y weithdrefn y mae'r Rheoliadau hyn yn darparu ar ei chyfer, rhaid i Weinidogion Cymru anfon y canlynol i'r Wladwriaeth AEE honno cyn gynted ag y bo modd—

- (a) copi o'r cais dan sylw;
- (b) copi o unrhyw ganiatâd cynllunio sy'n ymwneud â'r datblygiad;
- (c) copi o unrhyw ddatganiad amgylcheddol mewn cysylltiad â'r datblygiad; a
- (d) gwybodaeth berthnasol ynglŷn â'r weithdrefn o dan y Rheoliadau hyn,

ond dim ond i'r graddau nad yw gwybodaeth o'r fath wedi ei darparu i'r Wladwriaeth AEE yn gynharach yn unol â pharagraff (1)(b)(i).

(4) Rhaid i Weinidogion Cymru hefyd—

- (a) trefnu bod y manylion a'r wybodaeth y cyfeirir atynt ym mharagraffau (2) a (3) ac unrhyw wybodaeth bellach ac unrhyw wybodaeth arall ar gael, o fewn amser rhesymol, i'r awdurdodau y cyfeirir atynt yn Erthygl 6(1) o'r Gyfarwyddeb a'r cyhoedd dan sylw yn nhirioogaeth y Wladwriaeth AEE sy'n debygol o gael ei heffeithio'n sylweddol; a
- (b) sicrhau bod yr awdurdodau hynny a'r cyhoedd dan sylw yn cael cyfle i anfon ymlaen eu barn ar yr wybodaeth a ddarperir at Weinidogion Cymru, o fewn cyfnod rhesymol o amser, cyn y rhoddir caniatâd cynllunio i'r datblygiad.

- (ii) publish the information in paragraph (i) above in a notice placed in The London Gazette indicating the address where additional information is available; and
- (iii) give the EEA State a reasonable time in which to indicate whether it wishes to participate in the procedure for which these Regulations provide.

(2) The particulars referred to in paragraph (1)(b)(i) are—

- (a) a description of the development, together with any available information on its possible significant effect on the environment in another Member State; and
- (b) information on the nature of the decision which may be taken.

(3) Where an EEA State indicates, in accordance with paragraph (1)(b)(iii), that it wishes to participate in the procedure for which these Regulations provide, the Welsh Ministers must as soon as possible send to that EEA State—

- (a) a copy of the application concerned;
- (b) a copy of any planning permission relating to the development;
- (c) a copy of any environmental statement in respect of the development; and
- (d) relevant information regarding the procedure under these Regulations,

but only to the extent that such information has not been provided to the EEA State earlier in accordance with paragraph (1)(b)(i).

(4) The Welsh Ministers must also—

- (a) arrange for the particulars and information referred to in paragraphs (2) and (3) and any further information and any other information to be made available, within a reasonable time, to the authorities referred to in Article 6(1) of the Directive and the public concerned in the territory of the EEA State likely to be significantly affected; and
- (b) ensure that those authorities and the public concerned are given an opportunity, before planning permission for the development is granted, to forward to the Welsh Ministers, within a reasonable time, their opinion on the information supplied.

(5) Rhaid i Weinidogion Cymru, yn unol ag Erthygl 7(4) o'r Gyfarwyddeb—

- (a) cynnal ymgynghoriadau gyda'r Wladwriaeth AEE dan sylw ynghylch, ymysg pethau eraill, effeithiau sylweddol posibl y datblygiad ar amgylchedd y Wladwriaeth AEE honno a'r mesurau a ragwelir ar gyfer lleihau neu ddileu effeithiau o'r fath; a
- (b) penderfynu ar y cyd â'r Wladwriaeth AEE arall ar gyfnod rhesymol o amser ar gyfer hyd y cyfnod ymgynghori.

(6) Pan ymgynghorir â Gwladwriaeth AEE yn unol â pharagraff (5) ar benderfyniad ynghylch y cais dan sylw, rhaid i Weinidogion Cymru hysbysu'r Wladwriaeth AEE o'r penderfyniad ac anfon ati ddatganiad o—

- (a) cynnwys y penderfyniad ac unrhyw amodau cysylltiedig ag ef;
- (b) y prif resymau ac ystyriaethau y seilir y penderfyniad arnynt gan gynnwys, os yn berthnasol, gwybodaeth am gyfranogiad y cyhoedd; a
- (c) disgrifiad, pan fo angen, o'r prif fesurau er mwyn osgoi, lleihau ac, os yn bosibl, gwrthbwysu prif effeithiau andwyol y datblygiad.

Prosiectau mewn Gwladwriaeth AEE arall sy'n debygol o gael effeithiau trawsffiniol sylweddol

54.—(1) Pan fo Gweinidogion Cymru yn cael gwybodaeth gan Wladwriaeth AEE arall, yn unol ag Erthygl 7(1) neu 7(2) o'r Gyfarwyddeb, a gasglwyd o ddatblygwr prosiect arfaethedig yn y Wladwriaeth AEE arall gan y Wladwriaeth AEE honno, sy'n debygol o gael effeithiau sylweddol ar yr amgylchedd yng Nghymru, rhaid iddynt, yn unol ag Erthygl 7(4) o'r Gyfarwyddeb—

- (a) cynnal ymgynghoriadau gyda'r Wladwriaeth AEE honno ynghylch effeithiau sylweddol potensial y prosiect arfaethedig ar yr amgylchedd yng Nghymru a'r mesurau a ragwelir ar gyfer lleihau neu ddileu effeithiau o'r fath; a
- (b) cyn y rhoddir caniatâd datblygu i'r prosiect penderfynu ar gyfnod rhesymol ar y cyd â'r Wladwriaeth AEE honno pryd y caniateir i aelodau'r cyhoedd yng Nghymru gyflwyno sylwadau i'r awdurdod cymwys yn y Wladwriaeth AEE honno, yn unol ag Erthygl 7(3)(b) o'r Gyfarwyddeb.

(2) Rhaid i Weinidogion Cymru hefyd—

(5) The Welsh Ministers must in accordance with Article 7(4) of the Directive—

- (a) enter into consultations with the EEA State concerned regarding, inter alia, the potential significant effects of the development on the environment of that EEA State and the measures envisaged to reduce or eliminate such effects; and
- (b) determine in agreement with the other EEA State a reasonable period of time for the duration of the consultation period.

(6) Where an EEA State has been consulted in accordance with paragraph (5), on the determination of the application concerned the Welsh Ministers must inform the EEA State of the decision and must forward to it a statement of—

- (a) the content of the decision and any conditions attached to it;
- (b) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public; and
- (c) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development.

Projects in another EEA State likely to have significant transboundary effects

54.—(1) Where the Welsh Ministers receive from another EEA State, pursuant to Article 7(1) or 7(2) of the Directive, information which that EEA State has gathered from the developer of a proposed project in that EEA State, which is likely to have significant effects on the environment in Wales, they must, in accordance with Article 7(4) of the Directive—

- (a) enter into consultations with that EEA State regarding the potential significant effects of the proposed project on the environment in Wales and the measures envisaged to reduce or eliminate such effects; and
- (b) determine in agreement with that EEA State a reasonable period, before development consent for the project is granted, during which members of the public in Wales may submit to the competent authority in that EEA State representations pursuant to Article 7(3)(b) of the Directive.

(2) The Welsh Ministers must also—

- (a) trefnu i'r wybodaeth y cyfeirir ati ym mharagraff (1) fod ar gael, o fewn cyfnod rhesymol o amser, i'r awdurdodau yng Nghymru sy'n debygol o fod â diddordeb yn y prosiect oherwydd eu cyfrifoldebau amgylcheddol penodol, ac i'r cyhoedd dan sylw yng Nghymru hefyd;
 - (b) sicrhau bod yr awdurdodau hynny a'r cyhoedd dan sylw yn cael cyfle i anfon ymlaen eu barn ar yr wybodaeth a ddarparwyd at yr awdurdod cymwys yn y Wladwriaeth AEE berthnasol o fewn cyfnod rhesymol o amser, cyn y rhoddir caniatâd datblygu i'r prosiect; ac
 - (c) i'r graddau y mae gwybodaeth o'r fath wedi ei chael gan Weinidogion Cymru, hysbysu'r awdurdodau hynny a'r cyhoedd o gynnwys unrhyw benderfyniad gan awdurdod cymwys y Wladwriaeth AEE berthnasol; ac yn benodol—
 - (i) unrhyw amodau cysylltiedig â'r penderfyniad;
 - (ii) y prif resymau ac ystyriaethau y seiliwyd y penderfyniad arnynt gan gynnwys, os yn berthnasol, gwybodaeth am gyfranogiad y cyhoedd; a
 - (iii) disgrifiad o'r prif fesurau i osgoi, lleihau ac, os yn bosibl, gwrthbwysu unrhyw brif effeithiau andwyol a ganfuwyd.
- (a) arrange for the information referred to in paragraph (1) to be made available, within a reasonable time, both to the authorities in Wales which are likely to be concerned by the project by reason of their specific environmental responsibilities, and to the public concerned in Wales;
 - (b) ensure that those authorities and the public concerned are given an opportunity, before development consent for the project is granted, to forward to the competent authority in the relevant EEA State, within a reasonable time, their opinion on the information supplied; and
 - (c) so far as such information has been received by the Welsh Ministers, notify those authorities and the public of the content of any decision of the competent authority of the relevant EEA State; and in particular—
 - (i) any conditions attached to it;
 - (ii) the main reasons and considerations on which the decision was based including, if relevant, information about the participation of the public; and
 - (iii) a description of the main measures to avoid, reduce and, if possible, offset any major adverse effects that have been identified.

RHAN 13

Amrywiol

Cais i'r Uchel Lys

55. At ddibenion Rhan 12 o Ddeddf 1990 (dilysrwydd penderfyniadau penodol), rhaid cymryd bod y cyfeiriad yn adran 288(1)(b)(1) nad yw gweithredoedd Gweinidogion Cymru o fewn pwerau Deddf 1990 yn cynnwys peidio â chaniatáu rhoi caniatâd cynllunio neu ganiatâd dilynol oherwydd rheoliadau 3 neu 41.

Gwastraff peryglus a newid defnydd sylweddol

56. Mae newid yn nefnydd tir neu adeiladau i ddefnydd at ddiben a grybwyllir ym mharagraff 9 o Atodlen 1 yn cynnwys newid sylweddol yn y defnydd o'r tir hwnnw neu'r adeiladau hynny at ddibenion adran 55(1) o Ddeddf 1990 (ystyr “datblygiad” a “datblygiad newydd”).

(1) Diwygiwyd adran 288(1)(b) gan Ddeddf Cynllunio (Cymru) 2015 (dccc 4), adran 27 ac Atodlen 4, paragraff 16.

PART 13

Miscellaneous

Application to the High Court

55. For the purposes of Part 12 of the 1990 Act (validity of certain decisions), the reference in section 288(1)(b)(1) to action of the Welsh Ministers not being within the powers of the 1990 Act is to be taken to extend to a grant of planning permission or subsequent consent not being permitted by reason of regulations 3 or 41.

Hazardous waste and material change of use

56. A change in the use of land or buildings to a use for a purpose mentioned in paragraph 9 of Schedule 1 involves a material change in the use of that land or those buildings for the purposes of section 55(1) of the 1990 Act (meaning of “development” and “new development”).

(1) Section 288(1)(b) was amended by the Planning (Wales) Act 2015 (anaw 4), section 27 and Schedule 4, paragraph 16.

Ymestyn y cyfnod ar gyfer penderfyniad awdurdod ar gais cynllunio

57.—(1) At ddibenion adran 78 o Ddeddf 1990 (hawli apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath), o ran penderfynu ar yr amser sydd wedi mynd heibio heb i'r awdurdod cynllunio perthnasol roi hysbysiad i'r ceisydd o'i benderfyniad—

- (a) pan fo'r awdurdod wedi hysbysu ceisydd yn unol â rheoliad 10(1) bod cyflwyno datganiad amgylcheddol yn ofynnol; a
- (b) pan fo Gweinidogion Cymru wedi rhoi cyfarwyddyd sgrinio mewn perthynas â'r datblygiad dan sylw,

nid oes unrhyw ystyriaeth i'w roi i unrhyw gyfnod cyn dyroddi'r cyfarwyddyd.

(2) Pan fo awdurdod yn gyfrifol am benderfynu ar gais AEA, mae erthyglau 22 (cyfnodau amser ar gyfer penderfyniadau) a 23 (ceisiadau a wneir o dan amod cynllunio) o Orchymyn 2012 yn cael effaith fel pe bai bob un o'r cyfeiriadau yn erthygl 22(2)(a) a 23 at gyfnod o 8 wythnos yn gyfeiriad at gyfnod o 16 wythnos.

Ymestyn y pŵer i ddarparu mewn gorchymyn datblygu ar gyfer rhoi cyfarwyddydau ynghylch y dull yr ymdrinnir â cheisiadau cynllunio

58. Rhaid i ddarpariaethau a gynhwysir mewn gorchymyn datblygu yn rhinwedd adran 60 o Ddeddf 1990 (caniatâd a roddir gan orchymyn datblygu)(1) sy'n galluogi Gweinidogion Cymru i roi cyfarwyddydau, eu galluogi i gyfarwyddo bod datblygiad sydd o ddisgrifiad a grybwyllir yng Ngholofn 1 y tabl yn Atodlen 2, a hefyd o ddsbarth a ddisgrifir yn y cyfarwyddyd yn ddatblygiad AEA at ddibenion y Rheoliadau hyn.

Cymhwyso i'r Goron

59.—(1) Mae'r Rheoliadau hyn yn gymwys i'r Goron gyda'r addasiadau canlynol.

(2) Mewn perthynas â chais a wneir i Weinidogion Cymru heblaw cais o dan adran 62D o Ddeddf 1990 (datblygiadau o arwyddocâd cenedlaethol: ceisiadau am ganiatâd cynllunio), rhaid darllen rheoliad 11 (cais a atgyfeirir i Weinidogion Cymru heb ddatganiad amgylcheddol) fel pe bai—

- (a) ym mharagraff (1)—

(1) Mae diwygiadau i adran 60 nad ydynt yn berthnasol i'r Rheoliadau hyn.

Extension of the period for an authority's decision on a planning application

57.—(1) For the purposes of section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions), in determining the time which has elapsed without the relevant planning authority giving notice to the applicant of their decision, where—

- (a) the authority have notified an applicant in accordance with regulation 10(1) that the submission of an environmental statement is required; and
- (b) the Welsh Ministers have given a screening direction in relation to the development in question,

no account is to be taken of any period before the issue of the direction.

(2) Where it falls to an authority to determine an EIA application, articles 22 (time periods for decision) and 23 (applications made under planning condition) of the 2012 Order have effect as if each of the references in article 22(2)(a) and 23 to a period of 8 weeks were a reference to a period of 16 weeks.

Extension of the power to provide in a development order for the giving of directions as respects the manner in which planning applications are dealt with

58. Provisions included in a development order by virtue of section 60 of the 1990 Act (permission granted by development order)(1) which enable the Welsh Ministers to give directions, must enable them to direct that development which is both of a description mentioned in Column 1 of the table in Schedule 2, and of a class described in the direction is EIA development for the purposes of these Regulations.

Application to the Crown

59.—(1) These Regulations apply to the Crown with the following modifications.

(2) In relation to an application made to the Welsh Ministers other than an application under section 62D of the 1990 Act (developments of national significance: applications for planning permission), regulation 11 (application referred to the Welsh Ministers without an environmental statement) is to be read as if—

- (a) in paragraph (1)—

(1) There are amendments to section 60 which are not relevant to these Regulations.

- (i) cyn “atgyfeirio” yn y lle cyntaf y mae’n digwydd, yn darllen “wneud i Weinidogion Cymru o dan adran 293A o Ddeddf 1990 (datblygiad brys y Goron: cais)(1) neu ei”; a
- (ii) cyn “atgyfeirio'r” yn darllen “gwneud neu”; a
- (b) ym mharagraff (2), cyn “atgyfeirio” yn y lle cyntaf y mae’n digwydd, yn darllen “wneud o dan adran 293A o Ddeddf 1990 neu ei”.

- (i) before “referred” in the first place it occurs, it read “made to the Welsh Ministers under section 293A of the 1990 Act (urgent Crown development: application)(1) or”; and
- (ii) before “referral” it read “making or the”; and
- (b) in paragraph (2), before “referred” in the first place it occurs, it read “made under section 293A of the 1990 Act or”.

Dirymu offerynnau statudol a darpariaethau trosiannol

60.—(1) Mae'r offerynnau statudol yn Atodlen 8 wedi eu dirymu i'r graddau a ddangosir yn yr Atodlen honno.

(2) Nid oes unrhyw beth ym mharagraff (1) yn effeithio ar barhad cymhwysiad yr offerynnau a ddirymir gan y paragraff hwnnw, ac nid yw'r Rheoliadau hyn yn gymwys, mewn perthynas ag—

- (a) unrhyw gais a gofnodir neu a geir gan awdurdod cyn y dyddiad cychwyn,
- (b) unrhyw gais ROMP amhenderfynedig y mae'r offerynnau hynny'n gymwys iddo yn unol â Rheoliadau Cynllunio Gwlad a Thref (Aesu Effeithiau Amgylcheddol) (Adolygiadau Amhenderfynedig o Hen Ganiadau Mwynau) (Cymru) 2009,
- (c) unrhyw apêl mewn perthynas â chais o dan is-baragraff (a) neu (b), neu
- (d) unrhyw fater y mae'r awdurdod cynllunio lleol wedi, cyn y dyddiad hwnnw, dyroddi hysbysiad gorfodi mewn perthynas ag ef o dan adran 172 o Ddeddf 1990.

(3) Yn y rheoliad hwn, mae i “cais ROMP” (“ROMP application”) a “ROMP” (“ROMP”) yr un ystyr ag yn rheoliad 52(1).

Revocation of statutory instruments and transitional provisions

60.—(1) The statutory instruments in Schedule 8 are revoked, to the extent shown in that Schedule.

(2) Nothing in paragraph (1) affects the continued application of the instruments revoked by that paragraph, and these Regulations do not apply, in relation to—

- (a) any application lodged or received by an authority before the commencement date,
- (b) any undetermined ROMP application to which those instruments apply in accordance with the Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) Regulations 2009,
- (c) any appeal in relation to an application under sub-paragraph (a) or (b), or
- (d) any matter in relation to which a local planning authority have, before that date, issued an enforcement notice under section 172 of the 1990 Act.

(3) In this regulation, “ROMP” (“ROMP”) and “ROMP application” (“cais ROMP”) have the same meaning as in regulation 52(1).

(1) Mewnosodwyd adran 293A gan adran 82(1) o Ddeddf Cynllunio a Phrynu Gorfodol 2004 (p.5) (“Deddf 2004”) a diwygiwyd yr adran gan adran 16 ac Atodlen 2, paragraffau 8 a 9 ac adran 27 a pharagraffau 1 ac 17(1) i (3) o Atodlen 4 i Ddeddf Cynllunio (Cymru) 2015 (dccc. 4). Mae adran 118(3) o Ddeddf 2004 yn darparu bod cyfeiriad yn Atodlen 1 Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) at ddeddfiad a ddiwygiwyd gan Ddeddf 2004 yn gyfeiriad at y deddfiad fel y-I diwygiwyd felly.

(1) Section 293A was inserted by section 82(1) of the Planning and Compulsory Purchase Act 2004 (c.5) (the “2004 Act”) and has been amended by section 16 and Schedule 2, paragraphs 8 and 9 and section 27 and paras 1 and 17(1) to (3) of Schedule 4 to the Planning (Wales) Act 2015 (anaw. 4). Section 118(3) of the 2004 Act provides that a reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) to an enactment amended by the 2004 Act must be taken as a reference to the enactment as so amended.

Diwygiadau canlyniadol

61. Mae'r offerynnau yn Atodlen 9 wedi eu diwygio i'r graddau a ddangosir yn yr Atodlen honno.

Consequential amendments

61. The instruments in Schedule 9 are amended to the extent shown in that Schedule.

Carl Sargeant

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion
Cymru
27 Ionawr 2016

The Minister for Natural Resources, one of the Welsh
Ministers
27 January 2016

ATODLEN 1 Rheoliad 2(1)

Disgrifiadau o ddatblygiad at ddibenion y diffiniad o “datblygiad Atodlen 1”

Dehongli

Yn yr Atodlen hon—

nid yw “gorsaf bŵer niwclear” (“*nuclear power station*”) ac “adweithydd niwclear arall” (“*other nuclear reactor*”) yn cynnwys gosodiad o safle lle mae pob tanwydd niwclear a deunyddiau wedi eu halogi'n ymbelydrol wedi eu symud oddi yno'n barhaol; a rhaid peidio â thrin datblygiad at ddiben datgymalu neu ddadgomisiynu gorsaf bŵer niwclear neu adweithydd niwclear arall fel datblygiad o ddisgrifiad a grybwyllir ym mharagraff 2(b) yr Atodlen hon;

ystyr “gwibffordd” yw ffordd sy'n cydymffurfio â'r diffiniad o “express road” yng Nghytundeb Ewrop ar Briffyrdd Traffig Rhyngwladol, 15 Tachwedd 1975(1);

ystyr “maes awyr” (“*airport*”) yw maes awyr sy'n cydymffurfio â'r diffiniad o “airport” yng Nghonfensiwn Chicago 1944 yn sefydlu'r Sefydliad Hedfan Sifil Rhyngwladol (Atodiad 14)(2).

Disgrifiadau o ddatblygiad

Cynnal datblygiad er mwyn darparu unrhyw rai o'r canlynol—

1. Purfeydd olew crai (ac eithrio ymgymeriadau sy'n gweithgynhyrchu dim ond ireidiau o olew crai) a gosodiadau ar gyfer nwyeddio a hylifo 500 tonnelli neu fwy o lo neu olew siâl bitwminaid y dydd.

2.

- (a) Gorsafoedd pŵer thermal a gosodiadau ymlogi eraill sy'n cynhyrchu 300 megawat o wres neu fwy; a
- (b) Gorsafoedd pŵer niwclear ac adweithyddion niwclear eraill (ac eithrio gosodiadau ymchwil er mwyn cynhyrchu a thrawsnewid deunyddiau ymholltol a ffrwythlon, nad yw eu pŵer uchaf yn fwy na llwyth thermal parhaus o 1 cilowat).

(1) *Gweler* Papur Gorchymyn 6993.
(2) *Gweler* Papur Gorchymyn 6614.

SCHEDULE 1 Regulation 2(1)

Descriptions of development for the purposes of the definition of “Schedule 1 development”

Interpretation

In this Schedule—

“airport” (“*maes awyr*”) means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14)(1);

“express road” (“*gwibffordd*”) means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975(2);

“nuclear power station” (“*gorsaf bŵer niwclear*”) and “other nuclear reactor” (“*adweithydd niwclear arall*”) do not include an installation from the site of which all nuclear fuel and other radioactive contaminated materials have been permanently removed; and development for the purpose of dismantling or decommissioning a nuclear power station or other nuclear reactor is not to be treated as development of the description mentioned in paragraph 2(b) of this Schedule.

Descriptions of development

The carrying out of development to provide any of the following—

1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2.

- (a) Thermal power stations and other combustion installations with a heat output of 300 megawatts or more; and
- (b) Nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

(1) *See* Command Paper 6614.
(2) *See* Command Paper 6993.

3.

- (a) Gosodiadau ar gyfer ailbrosesu tanwydd niwclear arbelydredig;
- (b) Gosodiadau a gynlluniwyd—
 - (i) ar gyfer cynhyrchu neu gyfoethogi tanwydd niwclear,
 - (ii) ar gyfer prosesu tanwydd niwclear arbelydredig neu wastraff ymbelydrol lefel uchel,
 - (iii) ar gyfer cael gwared yn derfynol ar danwydd niwclear arbelydredig,
 - (iv) ar gyfer cael gwared yn derfynol ar wastraff ymbelydrol yn unig,
 - (v) ar gyfer storio (a gynllunnir am dros 10 mlynedd) tanwyddau niwclear arbelydredig neu wastraff ymbelydrol mewn safle gwahanol i'r safle lle ei cynhyrchir yn unig.

4.

- (a) Gwaith integredig ar gyfer toddi cychwynnol haearn bwrw a dur;
- (b) Gosodiadau ar gyfer cynhyrchu metelau crai anfferrus o fwyn, crynodiadau neu ddeunyddiau crau eilaidd drwy brosesau metelegol, cemegol neu electrolytig.

5. Gosodiadau ar gyfer echdynnu asbestos a phrosesu a thrawsnewid asbestos a chynhyrchion sy'n cynnwys asbestos—

- (a) ar gyfer cynhyrchion asbestos-sment, sy'n cynhyrchu mwy na 20,000 tonnell o'r cynhyrchion gorffenedig y flwyddyn;
- (b) ar gyfer deunydd ffrithiant, sy'n cynhyrchu mwy na 50 tonnell o'r cynhyrchion gorffenedig y flwyddyn; ac
- (c) ar gyfer defnydd arall o asbestos, sy'n defnyddio mwy na 200 tonnell y flwyddyn.

6. Gosodiadau cemegol integredig, hynny yw, gosodiadau ar gyfer gweithgynhyrchu sylweddau drwy ddefnyddio prosesau trawsnewid cemegol ar raddfa ddiwydiannol, lle y cyfosodir nifer o unedau a'u cysylltu'n weithredol â'i gilydd ac sydd—

- (a) ar gyfer cynhyrchu cemegau organig sylfaenol;
- (b) ar gyfer cynhyrchu cemegau anorganig sylfaenol;
- (c) ar gyfer cynhyrchu gwrtaith y mae ffosfforws-, nitrogen- neu botasiwm- yn sylfaen iddo (gwrteithiau syml neu gyfansawdd);
- (d) ar gyfer cynhyrchu cynhyrchion iechyd planhigion sylfaenol a bywleiddiaid;

3.

- (a) Installations for the reprocessing of irradiated nuclear fuel;
- (b) Installations designed—
 - (i) for the production or enrichment of nuclear fuel,
 - (ii) for the processing of irradiated nuclear fuel or high-level radioactive waste,
 - (iii) for the final disposal of irradiated nuclear fuel,
 - (iv) solely for the final disposal of radioactive waste,
 - (v) solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

4.

- (a) Integrated works for the initial smelting of cast-iron and steel;
- (b) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos—

- (a) for asbestos-cement products, with an annual production of more than 20,000 tonnes of finished products;
- (b) for friction material, with an annual production of more than 50 tonnes of finished products; and
- (c) for other uses of asbestos, utilisation of more than 200 tonnes per year.

6. Integrated chemical installations, that is to say, installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are—

- (a) for the production of basic organic chemicals;
- (b) for the production of basic inorganic chemicals;
- (c) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);
- (d) for the production of basic plant health products and of biocides;

- (e) ar gyfer cynhyrchu cynhyrchion fferyllol sylfaenol drwy ddefnyddio proses gemegol neu fiolegol;
- (f) ar gyfer cynhyrchu ffrwydron.

7.

- (a) Adeiladu rheilffyrdd ar gyfer traffig rheilffordd pellter hir a meysydd awyr sydd â hyd rhedfa sylfaenol o 2,100 metr neu fwy;
- (b) Adeiladu traffyrdd a gwibffyrdd;
- (c) Adeiladu ffordd newydd o bedair lôn neu fwy, neu adlinio a/neu ledu ffordd bresennol o ddwy lôn neu lai er mwyn darparu pedair neu fwy o lonydd, pan fyddai ffordd newydd o'r fath, neu ran wedi ei hadlinio a/neu ei lledu o ffordd yn 10 cilometr neu fwy mewn hyd parhaus.

8.

- (a) Dyfrffyrdd mewndirol a phorthladdoedd ar gyfer traffig dyfrffyrdd mewndirol sy'n caniatáu hynt llongau dros 1,350 tonnell;
- (b) Porthladdoedd masnachu, pierau ar gyfer llwytho a dadlwytho sydd wedi eu cysylltu i dir a thu allan i borthladdoedd (ac eithrio pierau fferi) a all dderbyn llongau sydd dros 1,350 tonnell.

9. Gosodiadau gwaredu gwastraff ar gyfer llosgi, trin yn gemegol (fel y'i diffinnir yn Atodiad IIA i Gyfarwyddeb y Cyngor 75/442/EEC(1) o dan bennawd D9), neu dirlenwi gwastraff peryglus fel y'i diffinnir yn rheoliad 6 o Reoliadau Gwastraff Peryglus (Cymru) 2005(2).

10. Gosodiadau gwaredu gwastraff ar gyfer llosgi neu drin yn gemegol (fel y'i diffinnir yn Atodiad IIA i Gyfarwyddeb y Cyngor 75/442/EEC o dan bennawd D9) gwastraff nad yw'n beryglus gyda chynhwysedd o dros 100 tonnell y dydd.

11. Cynlluniau tynnu dŵr daear neu ail-lenwi dŵr daear artiffisial pan fo cyfaint blynyddol y dŵr a dynnir neu a ail-lenwir yn cyfateb i neu'n fwy na 10 miliwn metr ciwbig.

12.

- (a) Gwaith ar gyfer trosglwyddo adnoddau dŵr, heblaw dŵr yfed a bibellir, rhwng basnau afon pan mai nod y trosglwyddiad yw atal prinder dŵr posibl a phan fo swm y dŵr a

- (e) for the production of basic pharmaceutical products using a chemical or biological process;
- (f) for the production of explosives.

7.

- (a) Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more;
- (b) Construction of motorways and express roads;
- (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 kilometres or more in a continuous length.

8.

- (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes;
- (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.

9. Waste disposal installations for the incineration, chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC(1) under heading D9), or landfill of hazardous waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005(2).

10. Waste disposal installations for the incineration or chemical treatment (as defined in Annex IIA to Council Directive 75/442/EEC under heading D9) of non-hazardous waste with a capacity exceeding 100 tonnes per day.

11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

12.

- (a) Works for the transfer of water resources, other than piped drinking water, between river basins where the transfer aims at preventing possible shortages of water and where the

(1) O.J. Rhif L 194, 25.7.1975, t. 39. Diwygiwyd Cyfarwyddeb y Cyngor 75/442/EEC gan Gyfarwyddeb y Cyngor 91/156/EEC (O.J. Rhif L 78, 26.3.1991, t. 32) a chan Benderfyniad y Comisiwn 94/3/EC (O.J. Rhif L 5, 7.1.1994, t. 15).
 (2) O.S. 2005/1806 (Cy. 138).

(1) O.J. No. L 194, 25.7.1975, p. 39. Council Directive 75/442/EEC was amended by Council Directive 91/156/EEC (O.J. No. L 78, 26.3.1991, p. 32) and by Commission Decision 94/3/EC (O.J. No. L 5, 7.1.1994, p. 15).
 (2) S.I. 2005/1806 (W. 138).

drosglwyddir yn fwy na 100 miliwn metr ciwbig y flwyddyn;

- (b) Ym mhob achos arall, gwaith ar gyfer trosglwyddo adnoddau dŵr, heblaw dŵr yfed a bibellir, rhwng basnau afon pan fo llif cyfartalog aml-flynyddol y basn y tynnir y dŵr ohono yn fwy na 2,000 miliwn metr ciwbig y flwyddyn a phan fo swm y dŵr a drosglwyddir yn fwy na 5% o'r llif hwn.

13. Gweithfeydd trin dŵr gwastraff gyda chynhwysedd sy'n fwy na chyfwerth â 150,000 o boblogaeth fel y'i diffinnir yn Erthygl 2 pwynt (6) o Gyfarwyddeb y Cyngor 91/271/EEC(1).

14. Echdynnu petrolewm a nwy naturiol at ddibenion masnachol pan fo'r swm a echdynnir yn fwy na 500 tonnall y dydd yn achos petrolewm a 500,000 metr ciwbig y dydd yn achos nwy.

15. Argloddiau a gosodiadau eraill a gynlluniwyd er mwyn dal dŵr yn ôl neu storio dŵr yn barhaol, pan fo swm newydd neu swm ychwanegol o ddŵr a ddelir yn ôl neu a gaiff ei storio yn fwy na 10 miliwn metr ciwbig.

16. Piblinellau sydd â diamedr o fwy na 800 milimetr a hyd o fwy na 40 cilometr:

- ar gyfer cludo nwy, olew, cemegau, neu
- ar gyfer cludo ffrwd carbon deuocsid er mwyn ei storio'n ddaeargol, gan gynnwys gorsafoddd atgyfnerthu cysylltiedig.

17. Gosodiadau ar gyfer magu dofednod neu foch yn dddwys gyda mwy na—

- (a) 85,000 o leoedd ar gyfer brwyliaid neu 60,000 o leoedd ar gyfer ieir;
- (b) 3,000 o leoedd ar gyfer moch cynhyrchu (dros 30 kg); neu
- (c) 900 o leoedd ar gyfer hychod.

18. Gweithfeydd diwydiannol ar gyfer—

- (a) cynhyrchu pwlp o goed neu ddeunyddiau fffibrog tebyg;
- (b) cynhyrchu papur a bwrdd gyda'r lle i gynhyrchu dros 200 tonnall y dydd.

19. Chwareli a chloddio glo brig pan fo arwyneb y safle yn fwy na 25 hectar, neu echdynnu mawn pan fo arwyneb y safle yn fwy na 150 hectar.

20. Gosodiadau ar gyfer storio petroliwm, cynhyrchion petrocemegol neu gemegol gyda lle i 200,000 tonnall neu fwy.

amount of water transferred exceeds 100 million cubic metres per year;

- (b) In all other cases, works for the transfer of water resources, other than piped drinking water, between river basins where the multi-annual average flow of the basin of abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred exceeds 5% of this flow.

13. Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Council Directive 91/271/EEC(1).

14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.

15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

16. Pipelines with a diameter of more than 800 millimetres and a length of more than 40 kilometres:

- for the transport of gas, oil, chemicals, or
- for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.

17. Installations for the intensive rearing of poultry or pigs with more than—

- (a) 85,000 places for broilers or 60,000 places for hens;
- (b) 3,000 places for production pigs (over 30 kg); or
- (c) 900 places for sows.

18. Industrial plants for—

- (a) the production of pulp from timber or similar fibrous materials;
- (b) the production of paper and board with a production capacity exceeding 200 tonnes per day.

19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares.

20. Installations for storage of petroleum, petrochemical or chemical products with a capacity of 200,000 tonnes or more.

(1) O.J. Rhif L 135, 30.5.1991, t. 40.

(1) O.J. No. L 135, 30.5.1991, p. 40.

21. Safleoedd storio yn unol â Chyfarwyddeb 2009/31/EC Senedd Ewrop a'r Cyngor dyddiedig 23 Ebrill 2009 ar storio carbon deuocsid yn ddaearegol⁽¹⁾.

22. Gosodiadau ar gyfer dal ffrydiau carbon deuocsid at ddibenion eu storio'n ddaearegol yn unol â Chyfarwyddeb 2009/31/EC o osodiadau a gynhwysir yn yr Atodlen hon, neu pan fo cyfanswm o 1.5 megaton neu fwy o garbon deuocsid y flwyddyn yn cael ei ddal.

23. Unrhyw newid i ddatblygiad neu estyniad ohono a restrir yn yr Atodlen hon pan fo newid neu estyniad o'r fath ynddo'i hun yn bodloni trothwyon, os oes rhai, neu ddisgrifiad o ddatblygiad a nodir yn yr Atodlen hon.

21. Storage sites pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁾.

22. Installations for the capture of carbon dioxide streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations covered by this Schedule, or where the total yearly capture of carbon dioxide is 1.5 megatonnes or more.

23. Any change to or extension of development listed in this Schedule where such a change or extension in itself meets the thresholds, if any, or description of development set out in this Schedule.

(1) O.J. Rhif L 140, 5.6.2009, t. 114.

(1) O. J. No L 140, 5.6.2009, p. 114.

ATODLEN 2 Rheoliad 2(1)

Disgrifiadau o ddatblygiad a throthwyon a meini prawf cymwys at ddibenion y diffiniad o “datblygiad Atodlen 2”

1. Yn y tabl isod—

mae “arwynebedd gwaith” (“*area of the works*”) yn cynnwys unrhyw arwynebedd lle mae aparatws, cyfarpar, peiriannau, deunyddiau, offer, tomen rwbwl neu gyfleusterau eraill neu storfeydd y mae eu hangen ar gyfer adeiladu neu osod;

ystyr “arwynebedd llawr” (“*floorspace*”) yw arwynebedd y lloriau mewn adeilad neu adeiladau.

mae i “dyfroedd a reolir” yr un ystyr ag a roddir i “controlled waters” yn Neddf Adnoddau Dŵr 1991(1).

2. Mae'r tabl isod yn nodi disgrifiadau o ddatblygiad a throthwyon a meini prawf cymwys at ddiben dosbarthu datblygiad yn ddatblygiad Atodlen 2.

Colofn 1 Disgrifiad o ddatblygiad	Colofn 2 Trothwyon a meini prawf cymwys
--------------------------------------	--

Cynnal datblygiad ar gyfer darparu unrhyw un o'r canlynol—

1 Amaethyddiaeth a dyframaethu	
(a) Prosiectau ar gyfer defnyddio tir heb ei drin neu arwynebau lled-naturiol at ddibenion amaethyddol dwys;	Mae arwynebedd y datblygiad yn fwy na 0.5 hectar.
(b) Prosiectau rheoli dŵr ar gyfer amaethyddiaeth, gan gynnwys prosiectau dyfrhau a draenio tir;	Mae arwynebedd y gwaith yn fwy nag 1 hectar.
(c) Gosodiadau da byw dwys (oni bai ei fod wedi ei gynnwys yn Atodlen 1);	Mae'r arwynebedd llawr newydd yn fwy na 500 metr sgwâr.

(1) 1991 p. 57. Gweler adran 104.

SCHEDULE 2 Regulation 2(1)

Descriptions of development and applicable thresholds and criteria for the purposes of the definition of “Schedule 2 development”

1. In the table below—

“area of the works” (“*arwynebedd gwaith*”) includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“controlled waters” (“*dyfroedd a reolir*”) has the same meaning as in the Water Resources Act 1991(1);

“floorspace” (“*arwynebedd llawr*”) means the floorspace in a building or buildings.

2. The table below sets out the descriptions of development and applicable thresholds and criteria for the purpose of classifying development as Schedule 2 development.

Column 1 Description of development	Column 2 Applicable thresholds and criteria
--	--

The carrying out of development to provide any of the following—

1 Agriculture and aquaculture	
(a) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;	The area of the development exceeds 0.5 hectare.
(b) Water management projects for agriculture, including irrigation and land drainage projects;	The area of the works exceeds 1 hectare.
(c) Intensive livestock installations (unless included in Schedule 1);	The area of new floorspace exceeds 500 square metres.

(1) 1991 c. 57. See section 104.

(d) Ffermio pysgod dwys;	Mae'r gosodiad a gyfyd o'r datblygiad wedi ei gynllunio i gynhyrchu mwy na 10 tunnell o bwysau pysgod marw y flwyddyn.
(e) Adennill tir o'r môr.	Pob datblygiad.

(d) Intensive fish farming;	The installation resulting from the development is designed to produce more than 10 tonnes of dead weight fish per year.
(e) Reclamation of land from the sea.	All development.

<i>2 Diwydiant echdynnol</i>	
(a) Chwareli, cloddio glo brig ac echdynnu mawn (oni bai ei fod wedi ei gynnwys yn Atodlen 1); (b) Cloddio o dan y ddaear;	Pob datblygiad heblaw adeiladu adeiladau neu adeileddau ategol eraill lle nad yw'r arwyneb llawr yn fwy na 1,000 metr sgwâr.
(c) Echdynnu mwynau drwy garthu afonol neu forol;	Pob datblygiad.
(d) Driliadau dwfn, yn enwedig— (i) drilio geothermol; (ii) drilio ar gyfer storio deunydd gwastraff niwclear; (iii) drilio ar gyfer cyflenwadau dŵr; ac eithrio driliadau ar gyfer ymchwilio i sefydlogrwydd y pridd.	(i) Mewn perthynas ag unrhyw fath o ddrilio, mae arwynebedd y gwaith yn fwy nag 1 hectar; neu (ii) mewn perthynas â drilio geothermol a drilio ar gyfer storio deunydd gwastraff niwclear, mae'r drilio o fewn 100 metr oddi wrth unrhyw ddyfroedd a reolir.
(e) Gosodiadau diwydiannol ar yr wyneb ar gyfer echdynnu glo, petrolewm, nwy a mwynau naturiol, yn ogystal â siâl bitwminaidd.	Mae arwynebedd y datblygiad yn fwy na 0.5 hectar.

<i>2 Extractive industry</i>	
(a) Quarries, open cast mining and peat extraction (unless included in Schedule 1); (b) Underground mining;	All development except the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000 square metres.
(c) Extraction of minerals by fluvial or marine dredging;	All development.
(d) Deep drillings, in particular— (i) geothermal drilling; (ii) drilling for the storage of nuclear waste material; (iii) drilling for water supplies; with the exception of drillings for investigating the stability of the soil.	(i) In relation to any type of drilling, the area of the works exceeds 1 hectare; or (ii) in relation to geothermal drilling and drilling for the storage of nuclear waste material, the drilling is within 100 metres of any controlled waters
(e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.	The area of the development exceeds 0.5 hectare.

<i>3 Diwydiant ynni</i>	
(a) Gosodiadau diwydiannol ar gyfer cynhyrchu trydan, stêm a dŵr poeth (oni bai ei fod wedi ei gynnwys yn Atodlen 1);	Mae arwynebedd y datblygiad yn fwy na 0.5 hectar.
(b) Gosodiadau diwydiannol ar gyfer cludo nwy, stêm a dŵr poeth;	Mae arwynebedd y gwaith yn fwy nag 1 hectar.
(c) Storio nwy naturiol ar yr wyneb; (d) Storio nwyon hylosg o dan y ddaear; (e) Storio tanwydd ffosil ar yr wyneb;	(i) Mae arwynebedd unrhyw adeilad, gwaddod neu adeiledd newydd yn fwy na 500 metr sgwâr; neu (ii) adeilad, gwaddod neu adeiledd newydd sydd i'w leoli o fewn 100 metr oddi wrth unrhyw ddyfroedd a reolir.
(f) Cynhyrchu brics o lo a lignit ar raddfa ddiwydiannol;	Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr.
(g) Gosodiadau ar gyfer prosesu a storio gwastraff ymbelydrol (oni bai eu bod wedi eu cynnwys yn Atodlen 1);	(i) Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr; neu (ii) bydd yn ofynnol i'r gosodiad sy'n deillio o'r datblygiad gael trwydded amgylcheddol o dan Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2010(1) mewn perthynas â gweithgaredd sylweddau ymbelydrol a ddisgrifir ym mharagraff 11(2)(b), (2)(c) neu (4) o Ran 2 o Atodlen 23 i'r Rheoliadau hynny, neu amrywiad o drwydded o'r fath.
(h) Gosodiadau ar gyfer cynhyrchu ynni hydrodrydanol;	Mae'r gosodiad wedi ei gynllunio i gynhyrchu mwy na 0.5 megawat.

<i>3 Energy industry</i>	
(a) Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1);	The area of the development exceeds 0.5 hectare.
(b) Industrial installations for carrying gas, steam and hot water;	The area of the works exceeds 1 hectare.
(c) Surface storage of natural gas; (d) Underground storage of combustible gases; (e) Surface storage of fossil fuels;	(i) The area of any new building, deposit or structure exceeds 500 square metres; or (ii) a new building, deposit or structure is to be sited within 100 metres of any controlled waters.
(f) Industrial briquetting of coal and lignite;	The area of new floorspace exceeds 1,000 square metres.
(g) Installations for the processing and storage of radioactive waste (unless included in Schedule 1);	(i) The area of new floorspace exceeds 1,000 square metres; or (ii) the installation resulting from the development will require the grant of an environmental permit under the Environmental Permitting (England and Wales) Regulations 2010(1) in relation to a radioactive substances activity described in paragraph 11(2)(b), (2)(c) or (4) of Part 2 of Schedule 23 to those Regulations, or the variation of such a permit.
(h) Installations for hydroelectric energy production;	The installation is designed to produce more than 0.5 megawatts.

(1) O.S. 2010/675.

(1) S.I. 2010/675.

(i) Gosodiadau ar gyfer defnyddio pŵer y gwynt er mwyn cynhyrchu ynni (ffermydd gwynt).	(i) Mae'r datblygiad yn golygu gosod mwy na 2 dyrbin; neu (ii) mae uchder canol unrhyw dyrbin neu uchder unrhyw adeiledd arall yn fwy na 15 metr.
(j) Gosodiadau ar gyfer dal ffrydiau carbon deuocsid at ddiben storio daearegol yn unol â Chyfarwyddeb 2009/31/EC o osodiadau nad ydynt wedi eu cynnwys yn Atodlen 1.	Pob datblygiad.

(i) Installations for the harnessing of wind power for energy production (wind farms).	(i) The development involves the installation of more than 2 turbines; or (ii) the hub height of any turbine or height of any other structure exceeds 15 metres.
(j) Installations for the capture of carbon dioxide streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations not included in Schedule 1.	All development.

<i>4 Cynhyrchu a phrosesu metelau</i>	
(a) Gosodiadau ar gyfer cynhyrchu haearn crai neu ddr (prif ymdoddiad neu ymdoddiad eilaidd) gan gynnwys castio parhaus; (b) Gosodiadau ar gyfer prosesu metelau fferrus— (i) melinau rholio poeth; (ii) gofaniaeth gyda morthwylion; (iii) araenu gyda haenau metel ymdoddedig amddiffynnol. (c) Ffowndriau metel fferrus; (d) Gosodiadau ar gyfer toddi, gan gynnwys aloieiddio, metelau anfferrus, ac eithrio metelau gwerthfawr, gan gynnwys cynhyrchion wedi eu hadfer, (coethi, castio ffowndri, etc.); (e) Gosodiadau ar gyfer trin arwynebedd metelau a deunyddiau plastig drwy ddefnyddio proses electrolytig neu gemegol; (f) Gweithgynhyrchu a chydod cerbydau modur a gweithgynhyrchu peiriannau cerbydau modur; (g) Ierdydd llongau; (h) Gosodiadau ar gyfer adeiladu a thrwsio awyrennau; (i) Gweithgynhyrchu offer rheilffordd;	Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr.

<i>4 Production and processing of metals</i>	
(a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting; (b) Installations for the processing of ferrous metals— (i) hot-rolling mills; (ii) smitheries with hammers; (iii) application of protective fused metal coats. (c) Ferrous metal foundries; (d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.); (e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process; (f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines; (g) Shipyards; (h) Installations for the construction and repair of aircraft; (i) Manufacture of railway equipment;	The area of new floorspace exceeds 1,000 square metres.

(j) Swagio gyda ffrwydrion; (k) Gosodiadau ar gyfer rhostio a sintro mwynau metelig.	
---	--

(j) Swaging by explosives; (k) Installations for the roasting and sintering of metallic ores.	
--	--

5 Diwydiant mwynol	
(a) Ffyrnau golosg (distyllu glo sych); (b) Gosodiadau ar gyfer gweithgynhyrchu sment; (c) Gosodiadau ar gyfer cynhyrchu asbestos a gweithgynhyrchu cynhyrchion sy'n seiliedig ar asbestos (oni bai eu bod wedi eu cynnwys yn Atodlen 1); (d) Gosodiadau ar gyfer gweithgynhyrchu gwydr gan gynnwys gwydrffibr; (e) Gosodiadau ar gyfer mwyndoddi sylweddau mwynol gan gynnwys cynhyrchu ffibrau mwynol; (f) Gweithgynhyrchu cynhyrchion ceramig drwy losgi, yn enwedig teils to, briciau, briciau gwrthsafol, teils, crochenwaith caled neu borslen.	Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr.

5 Mineral industry	
(a) Coke ovens (dry coal distillation); (b) Installations for the manufacture of cement; (c) Installations for the production of asbestos and the manufacture of asbestos-based products (unless included in Schedule 1); (d) Installations for the manufacture of glass including glass fibre; (e) Installations for smelting mineral substances including the production of mineral fibres; (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.	The area of new floorspace exceeds 1,000 square metres.

6 Diwydiant cemegol (oni bai ei fod wedi ei gynnwys yn Atodlen 1)	
(a) Trin rhan-gynhyrchion a chynhyrchu cemegau; (b) Cynhyrchu plaeiddiaid a chynhyrchion fferyllol, paent a farneisiau, elastomerau a pheroocsidau;	Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr
(c) Cyfleusterau storio ar gyfer petrolewm, cynhyrchion petrocemegol a chemegol.	(i) Mae arwynebedd unrhyw adeilad neu strwythur newydd yn fwy na 0.05 hectar; neu (ii) bydd mwy na 200 tonnelli o betrolewm, cynhyrchion petrocemegol neu gemegol yn cael eu storio ar unrhyw un adeg.

6 Chemical industry (unless included in Schedule 1)	
(a) Treatment of intermediate products and production of chemicals; (b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;	The area of new floorspace exceeds 1,000 square metres.
(c) Storage facilities for petroleum, petrochemical and chemical products.	(i) The area of any new building or structure exceeds 0.05 hectare; or (ii) more than 200 tonnes of petroleum, petrochemical or chemical products is to be stored at any one time.

<i>7 Diwydiant bwyd</i>	
(a) Gweithgynhyrchu olew a braster llysiâu ac anifeiliaid; (b) Pacio a chanio cynhyrchion anifeiliaid a llysiâu; (c) Gweithgynhyrchu cynnyrch llaeth; (d) Bragu a bragio; (e) Gweithgynhyrchu melysion a surop; (f) Gosodiadau ar gyfer cigyddu anifeiliaid; (g) Gosodiadau gweithgynhyrchu startsh diwydiannol; (h) Ffatrioedd pysg mâl ac olew pysgod; (i) Ffatrioedd siwgr.	Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr.

<i>7 Food industry</i>	
(a) Manufacture of vegetable and animal oils and fats; (b) Packing and canning of animal and vegetable products; (c) Manufacture of dairy products; (d) Brewing and malting; (e) Confectionery and syrup manufacture; (f) Installations for the slaughter of animals; (g) Industrial starch manufacturing installations; (h) Fish-meal and fish-oil factories; (i) Sugar factories.	The area of new floorspace exceeds 1,000 square metres.

<i>8 Diwydiannau tecstil, lledr, pren a phapur</i>	
(a) Gwaith diwydiannol ar gyfer cynhyrchu papur a bwrdd (oni bai ei fod wedi ei gynnwys yn Atodlen 1); (b) Gweithfeydd ar gyfer rhagdriniaeth (gweithrediadau megis golchi, cannu, sgleinio) neu liwio ffibrau neu decstilau; (c) Gweithfeydd ar gyfer trin lledr a chroen; (d) Gosodiadau prosesu a chynhyrchu seliwlos.	Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr.

<i>8 Textile, leather, wood and paper industries</i>	
(a) Industrial plants for the production of paper and board (unless included in Schedule 1); (b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles; (c) Plants for the tanning of hides and skins; (d) Cellulose-processing and production installations.	The area of new floorspace exceeds 1,000 square metres.

<i>9. Y diwydiant rwber</i>	
Gweithgynhyrchu a thrin cynhyrchion sy'n seiliedig ar elastomer.	Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr.

<i>9. Rubber industry</i>	
Manufacture and treatment of elastomer-based products.	The area of new floorspace exceeds 1,000 square metres.

<i>10. Prosiectau seilwaith</i>	
(a) Prosiectau datblygu ystad ddiwydiannol;	Mae arwynebedd y datblygiad yn fwy na 5 hectar.
(b) Prosiectau datblygu trefol, gan gynnwys adeiladu canolfannau siopa a meysydd parcio, stadiymau chwaraeon, canolfannau hamdden a sinemâu aml-sgrîn;	(i) Mae'r datblygiad yn cynnwys mwy nag 1 hectar o ddatblygiad trefol nad yw'n ddatblygiad tai annedd; neu (ii) mae'r datblygiad yn cynnwys mwy na 150 o dai annedd; neu (iii) mae arwynebedd cyffredinol y datblygiad yn fwy na 5 hectar.
(c) Adeiladu cyfleusterau trawslwytho rhyngfoddol a therfynellau rhyngfoddol (oni bai eu bod wedi eu cynnwys yn Atodlen 1);	Mae arwynebedd y datblygiad yn fwy na 0.5 hectar.
(d) Adeiladu rheilffyrdd (oni bai ei fod wedi ei gynnwys yn Atodlen 1);	Mae arwynebedd y gwaith yn fwy nag 1 hectar.
(e) Adeiladu meysydd glanio (oni bai bod hynny wedi ei gynnwys yn Atodlen 1);	(i) Mae'r datblygiad yn cynnwys estyniad i redfa; neu (ii) mae arwynebedd y gwaith yn fwy nag 1 hectar.
(f) Adeiladu ffyrdd (oni bai eu bod wedi eu cynnwys yn Atodlen 1);	Mae arwynebedd y gwaith yn fwy nag 1 hectar.
(g) Adeiladu harbyrau a gosodiadau porthladd gan gynnwys harbyrau pysgota (oni bai eu bod wedi eu cynnwys yn Atodlen 1);	Mae arwynebedd y gwaith yn fwy nag 1 hectar.

<i>10. Infrastructure projects</i>	
(a) Industrial estate development projects;	The area of the development exceeds 5 hectares.
(b) Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas;	(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellinghouses; or (iii) the overall area of the development exceeds 5 hectares.
(c) Construction of intermodal transshipment facilities and of intermodal terminals (unless included in Schedule 1);	The area of the development exceeds 0.5 hectare.
(d) Construction of railways (unless included in Schedule 1);	The area of the works exceeds 1 hectare.
(e) Construction of airfields (unless included in Schedule 1);	(i) The development involves an extension to a runway; or (ii) the area of the works exceeds 1 hectare.
(f) Construction of roads (unless included in Schedule 1);	The area of the works exceeds 1 hectare.
(g) Construction of harbours and port installations including fishing harbours (unless included in Schedule 1);	The area of the works exceeds 1 hectare.

<p>(h) Adeiladu dyfrffordd fewndirol nad ydyw wedi ei chynnwys yn Atodlen 1, gwaith camlesu a lleddfu llifogydd;</p> <p>(i) Argloddiau a gosodiadau eraill sydd wedi eu cynllunio i ddal dŵr neu ei storio yn yr hir dymor (oni bai eu bod wedi eu cynnwys yn Atodlen 1);</p> <p>(j) Tramffyrdd, rheilffyrdd uwch ben a thanddaearol, rheilffyrdd crog neu reilffyrdd tebyg o fath penodol, a ddefnyddir i gludo teithwyr yn unig neu'n bennaf;</p>	<p>Mae arwynebedd y gwaith yn fwy nag 1 hecтар.</p>	<p>(h) Inland-waterway construction not included in Schedule 1, canalisation and flood-relief works;</p> <p>(i) Dams and other installations designed to hold water or store it on a long-term basis (unless included in Schedule 1);</p> <p>(j) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;</p>	<p>The area of the works exceeds 1 hectare.</p>
<p>(k) Gosodiadau piblinellau olew a nwy a phiblinellau i gludo ffrydiau carbon deuocsid at ddibenion storio daearegol (oni bai eu bod wedi eu cynnwys yn Atodlen 1);</p> <p>(l) Gosodiadau traphontydd pellter hir;</p>	<p>(i) Mae arwynebedd y gwaith yn fwy nag 1 hecтар; neu,</p> <p>(ii) yn achos piblinell nwy, bod gan y gosodiad bwysedd cynllun gweithredu sy'n fwy na medrydd 7 bar.</p>	<p>(k) Oil and gas pipeline installations and pipelines for the transport of carbon dioxide streams for the purposes of geological storage (unless included in Schedule 1);</p> <p>(l) Installations of long-distance aqueducts;</p>	<p>(i) The area of the works exceeds 1 hectare; or,</p> <p>(ii) in the case of a gas pipeline, the installation has a design operating pressure exceeding 7 bar gauge.</p>
<p>(m) Gwaith arfordirol er mwyn mynd i'r afael ag erydiad a gwaith morol a all addasu'r arfordir drwy adeiladu, er enghraifft argloddiau, morgloddiau, glanfeydd a gwaith arall sy'n amddiffyn rhag y môr, ac eithrio cynnal a chadw ac ailadeiladu gwaith o'r fath;</p>	<p>Pob datblygiad.</p>	<p>(m) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;</p>	<p>All development.</p>
<p>(n) Cynlluniau tynnu dŵr daear ac ail-lenwi dŵr daear artiffisial nad ydynt wedi eu cynnwys yn Atodlen 1;</p> <p>(o) Gwaith ar gyfer trosglwyddo adnoddau dŵr rhwng basnau afonydd nad ydyw wedi ei gynnwys yn Atodlen 1;</p>	<p>Mae arwynebedd y gwaith yn fwy nag 1 hecтар.</p>	<p>(n) Groundwater abstraction and artificial groundwater recharge schemes not included in Schedule 1;</p> <p>(o) Works for the transfer of water resources between river basins not included in Schedule 1;</p>	<p>The area of the works exceeds 1 hectare.</p>
<p>(p) Mannau gwasanaeth traffyrdd.</p>	<p>Mae arwynebedd y gwaith yn fwy na 0.5 hecтар.</p>	<p>(p) Motorway service areas.</p>	<p>The area of the development exceeds 0.5 hectare.</p>

<i>11 Prosiectau eraill</i>	
(a) Traciau rasio a phrofi cerbydau modur parhaol;	Mae arwynebedd y gwaith yn fwy nag 1 hectar.
(b) Gosodiadau ar gyfer cael gwared â gwastraff (oni bai eu bod wedi eu cynnwys yn Atodlen 1);	(i) Mae'r gwarediad yn digwydd drwy losgi; neu (ii) mae arwynebedd y datblygiad yn fwy na 0.5 hectar; neu (iii) bydd y gosodiad yn cael ei leoli o fewn 100 metr i unrhyw ddyfroedd a reolir.
(c) Gweithfeydd trin dŵr gwastraff (oni bai eu bod wedi eu cynnwys yn Atodlen 1);	Mae arwynebedd y datblygiad yn fwy na 1,000 metr sgwâr.
(d) Safleoedd gwaddodi llaid; (e) Storio haearn sgrap, gan gynnwys cerbydau sgrap;	(i) Mae arwynebedd y gwaddod neu storio yn fwy na 0.5 hectar; neu (ii) bydd gwaddod yn cael ei wneud neu sgrap yn cael ei storio o fewn 100 metr i unrhyw ddyfroedd a reolir.
(f) Meinciau arbrofi ar gyfer peiriannau, tyrbinau neu adweithyddion; (g) Gosodiadau ar gyfer gweithgynhyrchu ffibrau mwynol artiffisial; (h) Gosodiadau ar gyfer adfer neu ddinistrio deunyddiau ffrwydrol; (i) Ierdydd naceriaid.	Mae arwynebedd y llawr newydd yn fwy na 1,000 metr sgwâr.

<i>12 Twristiaeth a hamdden</i>	
(a) Llethrau sgïo, lifftiau sgïo a cheir cebl a datblygiadau cysylltiedig;	(i) Mae arwynebedd y gwaith yn fwy nag 1 hectar; neu (ii) mae uchder unrhyw adeilad neu adeiledd arall yn fwy na 15 metr.
(b) Marinas;	Mae arwynebedd y dŵr amgaeedig yn fwy na 1,000 metr sgwâr.
(c) Pentrefi gwyliau a chyfodeiladau gwestai y tu allan i ardaloedd trefol a datblygiadau cysylltiedig; (d) Parciau thema;	Mae arwynebedd y datblygiad yn fwy na 0.5 hectar.

<i>11 Other projects</i>	
(a) Permanent racing and test tracks for motorised vehicles;	The area of the development exceeds 1 hectare.
(b) Installations for the disposal of waste (unless included in Schedule 1);	(i) The disposal is by incineration; or (ii) the area of the development exceeds 0.5 hectare; or (iii) the installation is to be sited within 100 metres of any controlled waters.
(c) Waste-water treatment plants (unless included in Schedule 1);	The area of the development exceeds 1,000 square metres.
(d) Sludge-deposition sites; (e) Storage of scrap iron, including scrap vehicles;	(i) The area of deposit or storage exceeds 0.5 hectare; or (ii) a deposit is to be made or scrap stored within 100 metres of any controlled waters
(f) Test benches for engines, turbines or reactors; (g) Installations for the manufacture of artificial mineral fibres; (h) Installations for the recovery or destruction of explosive substances; (i) Knackers' yards.	The area of new floorspace exceeds 1,000 square metres.

<i>12 Tourism and leisure</i>	
(a) Ski-runs, ski-lifts and cable-cars and associated developments;	(i) The area of the works exceeds 1 hectare; or (ii) the height of any building or other structure exceeds 15 metres.
(b) Marinas;	The area of the enclosed water surface exceeds 1,000 square metres.
(c) Holiday villages and hotel complexes outside urban areas and associated developments; (d) Theme parks;	The area of the development exceeds 0.5 hectare.

(e) Meysydd carafanau a safleoedd gwersylla parhaol;	Mae arwynebedd y datblygiad yn fwy na 1 hectar.
(f) Cyrsiâu golff a datblygiadau cysylltiedig.	Mae arwynebedd y datblygiad yn fwy na 1 hectar.

(e) Permanent camp sites and caravan sites;	The area of the development exceeds 1 hectare.
(f) Golf courses and associated developments.	The area of the development exceeds 1 hectare.

13 <i>Newidiadau ac estyniadau</i>	
(a) Unrhyw newid neu estyniad i ddatblygiad o ddisgrifiad a restrir yn Atodlen 1 (heblaw newid neu estyniad sy'n dod o fewn paragraff 23 o'r Atodlen honno) pan fo'r datblygiad wedi ei awdurdodi, ei weithredu neu yn y broses o gael ei weithredu eisoes.	Gall y datblygiad fel y'i newidir neu y'i hestynnir gael effeithiau andwyol sylweddol ar yr amgylchedd.
(b) Unrhyw newid neu estyniad i ddatblygiad o ddisgrifiad a restrir ym mharagraffau 1 i 12 o golofn 1 o'r tabl hwn, pan fo'r datblygiad wedi ei awdurdodi, ei weithredu neu yn y broses o gael ei weithredu eisoes.	(a) Bodlonir neu rhagorir ar y trothwyon a'r meini prawf yn y rhan gyfatebol o Golofn 2 o'r tabl hwn sy'n gymwys i'r datblygiad fel y'i newidir neu y'i hestynnir; a (b) mewn achos o'r fath gall y datblygiad fel y'i newidir neu y'i hestynnir gael effaith andwyol sylweddol ar yr amgylchedd.
(c) Datblygiad o ddisgrifiad a grybwyllir yn Atodlen 1 a wneir ar gyfer datblygu a phrofi dulliau neu gynhyrchion newydd yn unig neu'n bennaf ac nad ydyw wedi ei ddefnyddio am fwy na dwy flynedd.	Pob datblygiad.

13 <i>Changes and extensions</i>	
(a) Any change to or extension of development of a description listed in Schedule 1 (other than a change or extension falling within paragraph 23 of that Schedule) where that development is already authorised, executed or in the process of being executed.	The development as changed or extended may have significant adverse effects on the environment.
(b) Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.	(a) The thresholds and criteria in the corresponding part of Column 2 of this table applied to the development as changed or extended are met or exceeded; and (b) in such a case the development as changed or extended may have significant adverse effects on the environment.
(c) Development of a description mentioned in Schedule 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years.	All development.

Meini prawf dethol ar gyfer sgrinio
datblygiad Atodlen 2

Nodweddion y datblygiad

1. Rhaid ystyried nodweddion y datblygiad gan roi sylw yn arbennig ar—

- (a) maint y datblygiad;
- (b) y cyfuniad gyda datblygiad arall;
- (c) y defnydd o adnoddau naturiol;
- (d) cynhyrchu gwastraff;
- (e) llygredd a niwsans;
- (f) y perygl o ddamweiniau, gan roi sylw yn arbennig i'r sylweddau neu'r technolegau a ddefnyddir.

Lleoliad y datblygiad

2. Rhaid i sensitifrwydd amgylcheddol ardaloedd daearyddol sy'n debygol o gael eu heffeithio gan ddatblygiad gael ei ystyried, gan roi sylw, yn arbennig i'r nodweddion a ganlyn—

- (a) y defnydd presennol o'r tir;
- (b) digonedd cymharol, ansawdd a chapasiti atgynhyrchiol adnoddau naturiol yn yr ardal;
- (c) capasiti amsugnad yr amgylchedd naturiol, gan roi sylw arbennig i'r ardaloedd canlynol—
 - (i) gwlypdiroedd;
 - (ii) parthau arfordirol;
 - (iii) ardaloedd mynyddoedd a choedwigoedd;
 - (iv) gwarchodfeydd natur a pharciau;
 - (v) ardaloedd a ddsberthir neu a amddiffynnir o dan ddeddfwriaeth Aelod-wladwriaethau, ardaloedd a ddynodir gan Aelod-wladwriaethau yn unol â Chyfarwyddeb y Cyngor 2009/147/EC ar warchod adar gwyllt(1) a Chyfarwyddeb y Cyngor 92/43/EEC ar warchod cynefinoedd naturiol a ffawna a fflora gwyllt(2);

Selection criteria for screening Schedule
2 development

Characteristics of development

1. The characteristics of development must be considered having regard, in particular, to—

- (a) the size of the development;
- (b) the cumulation with other development;
- (c) the use of natural resources;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of accidents, having regard in particular to substances or technologies used.

Location of development

2. The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to—

- (a) the existing land use;
- (b) the relative abundance, quality and regenerative capacity of natural resources in the area;
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas—
 - (i) wetlands;
 - (ii) coastal zones;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under Member States' legislation, areas designated by Member States pursuant to Council Directive 2009/147/EC on the conservation of wild birds(1) and Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora(2);

(1) O.J. Rhif L 20, 26.1.2010, t. 7.
(2) O.J. Rhif L 206, 22.7.1992, t. 7.

(1) O.J. No. L 20, 26.1.2010, p. 7.
(2) O.J. No. L 206, 22.7.1992, p. 7.

- (vi) ardaloedd lle rhagorwyd ar y safonau ansawdd amgylcheddol a nodir yn neddfwriaeth yr UE yn barod;
- (vii) ardaloedd trwchus eu poblogaeth;
- (viii) tirweddau o arwyddocâd hanesyddol, diwylliannol neu archeolegol.

- (vi) areas in which the environmental quality standards laid down in EU legislation have already been exceeded;
- (vii) densely populated areas;
- (viii) landscapes of historical, cultural or archaeological significance.

Nodweddion yr effaith potensial

3. Rhaid ystyried effeithiau sylweddol potensial y datblygu mewn perthynas â'r meini prawf a nodir o dan baragraffau 1 a 2 uchod, a rhoi sylw yn arbennig i'r canlynol—

- (a) graddau'r effaith (arwynebedd daearyddol a maint y boblogaeth yr effeithir arni);
- (b) natur drawsffiniol yr effaith;
- (c) maint a chymhlethdod yr effaith;
- (d) tebygolrwydd yr effaith;
- (e) parhad, amledd a gwrthdroadwydd yr effaith.

Characteristics of the potential impact

3. The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to—

- (a) the extent of the impact (geographical area and size of the affected population);
- (b) the transfrontier nature of the impact;
- (c) the magnitude and complexity of the impact;
- (d) the probability of the impact;
- (e) the duration, frequency and reversibility of the impact.

Gwybodaeth i'w chynnwys mewn
datganiadau amgylcheddol

RHAN 1

1. Disgrifiad o'r datblygiad, gan gynnwys yn benodol—

- (a) disgrifiad o nodweddion ffisegol yr holl ddatblygiad a'r gofynion o ran y defnydd o'r tir yn ystod y cyfnodau adeiladu a gweithredu;
- (b) disgrifiad o brif nodweddion y prosesau cynhyrchu, er enghraifft, natur ac ansawdd y deunyddiau a ddefnyddir;
- (c) amcangyfrifiad, yn ôl math ac ansawdd, o'r gweddillion a'r allyriadau (llygredd dŵr, aer a phridd, sŵn, dirgryniad, golau, gwres, ymbelydredd, etc.) o ganlyniad i weithrediad y datblygiad arfaethedig.

2. Amlinellid o'r prif ddewisiadau amgen a astudiwyd gan y ceisydd neu'r apelydd a dynodi'r prif resymau dros y dewis a wnaed, gan gymryd yr effeithiau amgylcheddol i ystyriaeth.

3. Disgrifiad o'r agweddau ar yr amgylchedd sy'n debygol o gael eu heffeithio'n sylweddol gan y datblygiad, gan gynnwys yn benodol, poblogaeth, ffawna, fflora, pridd, dŵr, aer, ffactorau hinsoddol, asedau materol, gan gynnwys y dreftadaeth bensaernïol ac archeolegol, y dirwedd a'r gydberthynas rhwng y ffactorau uchod.

4. Disgrifiad o effeithiau sylweddol tebygol y datblygiad ar yr amgylchedd, a ddylai gynnwys yr effeithiau uniongyrchol ac unrhyw effeithiau anuniongyrchol, eilaidd, cronnus, tymor byr, tymor canolig a thymor hir, parhaol a dros dro, cadarnhaol a negyddol y datblygiad o ganlyniad i—

- (a) bodolaeth y datblygiad;
- (b) y defnydd o adnoddau dynol;
- (c) allyriad llygryddion, creu niwsans a chael gwared â gwastraff,

a disgrifiad gan y ceisydd neu'r apelydd o'r dulliau darogan a ddefnyddir i asesu'r effeithiau ar yr amgylchedd.

5. Disgrifiad o'r mesurau a ragwelir i atal, lleihau a, phan fo modd, gwrthbwyso unrhyw effeithiau andwyol sylweddol ar yr amgylchedd.

Information for inclusion in
environmental statements

PART 1

1. Description of the development, including in particular—

- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
- (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.

2. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects.

3. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

4. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from—

- (a) the existence of the development;
- (b) the use of natural resources;
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the applicant or appellant of the forecasting methods used to assess the effects on the environment.

5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

6. Crynodeb annhechnegol o'r wybodaeth a ddarperir o dan baragraffau 1 i 5 o'r Rhan hon.

7. Dynodiad o unrhyw anawsterau (diffygion technegol neu ddiffyg medrusrwydd) a ddaw i ran y ceisydd neu'r apelydd wrth gasglu'r wybodaeth ofynnol.

RHAN 2

8. Disgrifiad o'r datblygiad yn cynnwys gwybodaeth am y safle, cynllun a maint y datblygiad.

9. Disgrifiad o'r mesurau a ragwelir er mwyn osgoi, lleihau ac, os yn bosibl, adfer effeithiau andwyol sylweddol.

10. Y data sydd ei angen er mwyn adnabod ac asesu prif effeithiau tebygol y datblygiad ar yr amgylchedd.

11. Amlinelliad o'r prif ddewisiadau amgen a astudiwyd gan y ceisydd neu'r apelydd a dynodiad o'r prif resymau dros y dewis a wnaed, gan gymryd yr effeithiau amgylcheddol i ystyriaeth.

12. Crynodeb annhechnegol o'r wybodaeth a ddarperir o dan baragraffau 8 i 11 o'r Rhan hon.

6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant or appellant in compiling the required information.

PART 2

8. A description of the development comprising information on the site, design and size of the development.

9. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.

10. The data required to identify and assess the main effects which the development is likely to have on the environment.

11. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects.

12. A non-technical summary of the information provided under paragraphs 8 to 11 of this Part.

Gorchmynion Datblygu Lleol

1. Mewn achos pan fo'r Atodlen hon yn cael effaith, mae'r Rheoliadau hyn yn gymwys, yn ddarostyngedig i'r addasiadau canlynol.

2. Nid yw rheoliadau 3, 5 i 12, 18 a 19 yn gymwys.

3. Yn rheoliad 4—

- (a) nid yw paragraff (2)(a) yn gymwys;
- (b) ym mharagraff (2)(b), (5) a (10), yn lle "perthnasol" darllener "lleol";
- (c) darllener fel pe bai paragraff (7)(b) wedi ei hepgor.

4. Rhaid darllen rheoliad 13 fel pe bai'n darparu—

“(1) Pan fo gorchymyn datblygiad lleol arfaethedig yn ddatblygiad AEA, rhaid i'r awdurdod cynllunio lleol nodi ei farn ynghylch yr wybodaeth y mae'n rhaid ei darparu yn y datganiad amgylcheddol (“barn gwmpasu”).

(2) Rhaid i farn gwmpasu o dan baragraff (1) gynnwys—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad byr o natur a phwrpas y datblygiad a'i effeithiau posibl ar yr amgylchedd; ac
- (c) unrhyw wybodaeth arall neu sylwadau eraill y gallai'r awdurdod cynllunio lleol ddymuno eu darparu neu eu gwneud.

(3) Rhaid i awdurdod beidio â mabwysiadu barn gwmpasu hyd nes ei fod wedi ymgynghori â'r ymgynghoreion.

(4) Cyn mabwysiadu barn sgrinio rhaid i'r awdurdod gymryd i ystyriaeth—

- (a) nodweddion penodol y datblygiad neilltuol;
- (b) nodweddion penodol datblygiad o'r math dan sylw; ac
- (c) y nodweddion amgylcheddol sy'n debygol o gael eu heffeithio gan y datblygiad.”

Local Development Orders

1. In a case to which this Schedule has effect, these Regulations apply, subject to the following modifications.

2. Regulations 3, 5 to 12, 18 and 19 do not apply.

3. In regulation 4—

- (a) paragraph (2)(a) does not apply;
- (b) in paragraph (2)(b), (5) and (10), for “relevant” read “local”;
- (c) read as if paragraph (7)(b) were omitted.

4. Regulation 13 is to be read as if it provided—

“(1) Where a proposed local development order is EIA development, the local planning authority must state its opinion as to the information to be provided in the environmental statement (“a scoping opinion”).

(2) A scoping opinion under paragraph (1) must include—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
- (c) such other information or representations as the local planning authority may wish to provide or make.

(3) An authority must not adopt a scoping opinion until they have consulted the consultees.

(4) Before adopting a screening opinion the authority must take into account—

- (a) the specific characteristics of the particular development;
- (b) the specific characteristics of development of the type concerned; and
- (c) the environmental features likely to be affected by the development.”

5. Rhaid darllen rheoliad 15 fel pe bai'n darparu—

“15.—(1) Caiff awdurdod cynllunio lleol sy'n bwriadu paratoi datganiad amgylcheddol holi'r ymgynghorai a oes gan yr ymgynghorai unrhyw wybodaeth y mae'r ymgynghorai neu'r awdurdod cynllunio lleol yn ystyried ei fod yn berthnasol i'r gwaith o baratoi'r datganiad amgylcheddol.

(2) Os oes gan yr ymgynghorai wybodaeth o'r fath, rhaid iddo drin yr ymholiad gan yr awdurdod cynllunio lleol fel cais am wybodaeth gan yr awdurdod cynllunio lleol o dan reoliad 5(1) o Reoliadau Gwybodaeth Amgylcheddol 2004(1).”

6. Rhaid darllen rheoliad 16 fel pe bai'n darparu—

“16.—(1) Pan fo datganiad, y cyfeirir ato fel “datganiad amgylcheddol”, wedi ei baratoi mewn perthynas â datblygiad AEA y mae'r awdurdod cynllunio lleol yn bwriadu rhoi caniatâd cynllunio iddo drwy orchymyn datblygu lleol, rhaid i'r awdurdod cynllunio lleol—

- (a) anfon copi o'r datganiad i'r ymgynghoreion a'u hysbysu y cânt gyflwyno sylwadau; a
- (b) hysbysu unrhyw berson penodol y mae'r awdurdod yn ymwybodol ohono, sy'n debygol o gael ei effeithio gan y cais, neu sydd â diddordeb yn y cais, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb lleol, o gyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli, lle gellir cael copi o'r datganiad a'r cyfeiriad y caniateir anfon sylwadau iddo.

(2) Ni chaiff yr awdurdod cynllunio lleol wneud y gorchymyn datblygu lleol hyd nes y bydd 21 diwrnod o'r dyddiad olaf y cyflwynwyd copi o'r datganiad yn unol â'r rheoliad hwn wedi dod i ben.”

7. Rhaid darllen rheoliad 17 fel pe bai—

- (a) paragraff (1) wedi ei hepgor;
- (b) paragraff (2) yn darllen—

“(2) Rhaid i'r awdurdod cynllunio lleol gyhoeddi'r hysbysiad mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol lle mae'r tir wedi ei leoli sy'n nodi—

5. Regulation 15 is to be read as if it provided—

“15.—(1) A local planning authority which intends to prepare an environmental statement may enquire of a consultee whether the consultee has any information which the consultee or the local planning authority considers relevant to the preparation of the environmental statement.

(2) If the consultee has such information they must treat the enquiry by the local planning authority as a request for information by the local planning authority under regulation 5(1) of the Environmental Information Regulations 2004(1).”

6. Regulation 16 is to be read as if it provided—

“16.—(1) Where a statement, referred to as an “environmental statement”, has been prepared in relation to EIA development for which a local planning authority proposes to grant planning permission by a local development order, the local planning authority must—

- (a) send a copy of the statement to the consultees and inform them that they may make representations; and
- (b) notify any particular person of whom the authority are aware, who is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, of an address in the locality in which the land is situated where a copy of the statement may be obtained and the address to which representations may be sent.

(2) The local planning authority must not make the local development order until the expiry of 21 days from the last date on which a copy of the statement was served in accordance with this regulation.”

7. Regulation 17 is to be read as if—

- (a) paragraff (1) were omitted;
- (b) paragraff (2) read—

“(2) The local planning authority must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

(1) O.S. 2004/3391.

(1) S.I. 2004/3391.

- (a) enw a chyfeiriad yr awdurdod cynllunio lleol;
- (b) cyfeiriad neu leoliad a natur y datblygiad y cyfeirir ato yn y gorchymyn datblygu lleol arfaethedig;
- (c) bod copi o'r gorchymyn datblygu lleol drafft ac unrhyw blan neu ddogfennau eraill sy'n mynd ynghyd ag ef, yn ogystal â chopi o'r datganiad amgylcheddol, ar gael i aelodau o'r cyhoedd edrych arno ar bob adeg resymol;
- (d) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle caiff y cyhoedd edrych ar y dogfennau hynny, a'r dyddiad olaf y byddant ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (e) cyfeiriad yn yr ardal leol (pa un a yw'r un cyfeiriad ag a roddir o dan is-baragraff (d) ai peidio) lle mae'r tir wedi ei leoli lle gellir cael copïau o'r datganiad;
- (f) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (g) swm y tâl, os bydd tâl yn cael ei godi am gopi; a
- (h) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau am y gorchymyn datblygu lleol eu cyflwyno i'r awdurdod cynllunio lleol cyn y dyddiad a bennir yn unol ag is-baragraff (d).”;

- (c) paragraff (3) wedi ei hepgor;
- (d) ym mharagraff (4), bod “ceisydd” yn darllen “awdurdod cynllunio lleol”; a
- (e) paragraffau (6) i (9) wedi eu hepgor.

8. Rhaid darllen rheoliad 20 fel pe bai'n dweud—

“**20.** Rhaid i'r awdurdod cynllunio lleol sicrhau bod nifer rhesymol o gopïau o'r datganiad y cyfeirir ato fel y datganiad amgylcheddol a baratowyd mewn perthynas â datblygiad AEA y mae'r awdurdod yn bwriadu rhoi caniatâd cynllunio ar ei gyfer drwy orchymyn datblygu lleol ar gael yn—

- (a) ei brif swyddfa yn ystod oriau swyddfa arferol; a
- (b) mewn unrhyw leoedd eraill o fewn ei ardal fel yr ystyria yn briodol.”

- (a) the name and address of the local planning authority;
- (b) the address or location and the nature of the development referred to in the proposed local development order;
- (c) that a copy of the draft local development order and of any plan or other documents accompanying it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;
- (d) an address in the locality in which the land is situated at which those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (e) an address (whether or not the same as that given under sub-paragraph (d)) in the locality in which the land is situated at which copies of the statement may be obtained;
- (f) that copies may be obtained there so long as stocks last;
- (g) if a charge is to be made for a copy, the amount of the charge; and
- (h) that any person wishing to make representations about the local development order should make them before the date specified in accordance with sub-paragraph (d), to the local planning authority.”;

- (c) paragraph (3) were omitted;
- (d) in paragraph (4), “applicant” read “local planning authority”; and
- (e) paragraphs (6) to (9) were omitted.

8. Regulation 20 is to be read as if it provided—

“**20.** The local planning authority must ensure that a reasonable number of copies of the statement referred to as the environmental statement prepared in relation to EIA development for which the authority propose to grant planning permission by a local development order are available at—

- (a) their principal office during normal office hours; and
- (b) at such other places within their area as they consider appropriate.”

9. Rhaid darllen rheoliad 22 fel pe bai—

(a) paragraff (1) yn darllen—

“(1) Pan fo datganiad amgylcheddol wedi ei baratoi a bod yr awdurdod cynllunio lleol o'r farn y dylai'r datganiad gynnwys gwybodaeth ychwanegol er mwyn bod yn ddatganiad amgylcheddol, rhaid i'r awdurdod cynllunio lleol sicrhau bod gwybodaeth ychwanegol yn cael ei darparu ac y cyfeirir at wybodaeth o'r fath a ddarperir yn y Rheoliadau hyn fel “gwybodaeth bellach” (“*further information*”);

(b) paragraff (3) yn darllen—

“(3) Rhaid i'r awdurdod cynllunio lleol gyhoeddi hysbysiad mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol lle mae'r tir wedi ei leoli sy'n nodi—

- (a) enw a chyfeiriad yr awdurdod cynllunio lleol;
- (b) cyfeiriad neu leoliad a natur y datblygiad y cyfeirir ato yn y gorchymyn datblygu lleol arfaethedig;
- (c) bod gwybodaeth bellach ar gael mewn perthynas â datganiad amgylcheddol sydd wedi ei ddarparu'n barod;
- (d) bod copi o'r wybodaeth bellach ar gael i aelodau o'r cyhoedd edrych arno ar bob adeg resymol;
- (e) cyfeiriad yn yr ardal leol lle mae'r tir wedi ei leoli lle caiff y cyhoedd edrych ar yr wybodaeth bellach, a'r dyddiad olaf y bydd ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyhoeddir y hysbysiad);
- (f) cyfeiriad yn yr ardal leol (pa un a yw'r un cyfeiriad ag a roddir o dan is-baragraff (e) ai peidio) lle mae'r tir wedi ei leoli lle gellir cael copïau o'r wybodaeth bellach;
- (g) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (h) swm y tâl, os bydd tâl yn cael ei godi am gopi;
- (i) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau am yr wybodaeth bellach eu cyflwyno i'r awdurdod cynllunio lleol cyn y dyddiad a bennir yn unol ag is-baragraff (e);
- (j) y cyfeiriad y dylid anfon sylwadau iddo.”;

(c) paragraff (4) yn darllen—

9. Regulation 22 is to be read as if—

(a) paragraph (1) read—

“(1) Where an environmental statement has been prepared and the local planning authority is of the opinion that the statement should contain additional information in order to be an environmental statement, the local planning authority must ensure that additional information is provided and such information provided is referred to in these Regulations as “further information” (“*gwybodaeth bellach*”);

(b) paragraph (3) read—

“(3) The local planning authority must publish in a local newspaper circulating in the locality in which the land is situated a notice stating—

- (a) the name and address of the local planning authority;
- (b) the address or location and the nature of the development referred to in the proposed local development order;
- (c) that further information is available in relation to an environmental statement which has already been provided;
- (d) that a copy of the further information may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality in which the land is situated at which the further information may be inspected, and the latest date on which it will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality in which the land is situated at which copies of the further information may be obtained;
- (g) that copies may be obtained there so long as stocks last;
- (h) if a charge is to be made for a copy, the amount of the charge;
- (i) that any person wishing to make representations about the further information should make them before the date specified in accordance with sub-paragraph (e), to the local planning authority;
- (j) the address to which representations should be sent.”;

(c) paragraph (4) read—

“(4) Rhaid i'r awdurdod lleol anfon copi o'r wybodaeth bellach ac unrhyw wybodaeth arall i bob person, yn unol â'r Rheoliadau, yr anfonwyd atynt y datganiad sy'n ymwneud â hi ac i Weinidogion Cymru.”;

(d) paragraffau (5) a (6) wedi eu hepgor;

(e) paragraff (7) yn darllen—

“(7) Pan ddarperir gwybodaeth o dan baragraff (1) rhaid i'r awdurdod cynllunio lleol beidio â gwneud y gorchymyn datblygu lleol cyn diwedd 21 diwrnod ar ôl y dyddiad yr anfonwyd yr wybodaeth bellach i bob person yr anfonwyd atynt y datganiad sy'n ymwneud â hi neu ddiwedd 21 diwrnod ar ôl y dyddiad y cyhoeddwyd hysbysiad ohoni mewn papur newydd lleol, pa bynnag un sydd ddiweddaraf.”;

(f) ym mharagraff (8)—

(i) yn lle “ceisydd neu'r apelydd” ei fod yn darllen “awdurdod cynllunio lleol”; a

(ii) ar ôl “nifer rhesymol o gopïau o'r” ei fod yn darllen “wybodaeth bellach neu arall”.

10. Rhaid darllen rheoliad 23 fel pe bai paragraffau (1) a (2) yn darllen—

“(1) Pan fo manylion gorchymyn datblygu lleol drafft yn cael eu gosod ar Ran 3 o'r gofrestr, rhaid i'r awdurdod cynllunio lleol gymryd camau i sicrhau bod copi o unrhyw rai perthnasol o'r canlynol yn cael eu gosod ar y Rhan honno hefyd—

- (a) barn sgrinio;
- (b) cyfarwyddyd sgrinio;
- (c) barn gwmpasu;
- (d) cyfarwyddyd o dan reoliad 4(4);
- (e) y datganiad y cyfeirir ato fel y datganiad amgylcheddol gan gynnwys unrhyw wybodaeth bellach;
- (f) datganiad o resymau sy'n mynd ynghyd ag unrhyw rai o'r uchod.

(2) Pan fo'r awdurdod cynllunio perthnasol yn mabwysiadu barn sgrinio neu farn gwmpasu, neu'n cael copi o gyfarwyddyd sgrinio cyn y gwneir gorchymyn datblygu lleol, rhaid i'r awdurdod cynllunio lleol gymryd camau i sicrhau bod copi o'r farn neu'r cyfarwyddyd ac unrhyw ddatganiad o resymau sy'n mynd ynghyd ag ef ar gael i'r cyhoedd gael edrych arno ar bob adeg resymol yn y lle y cedwir y gofrestr briodol (neu'r adran berthnasol o'r gofrestr honno).”

“(4) The local planning authority must send a copy of the further information and any other information to each person to whom, in accordance with the Regulations, the statement to which it relates was sent and to the Welsh Ministers.”;

(d) paragraphs (5) and (6) were omitted;

(e) paragraph (7) read—

“(7) Where information is provided under paragraph (1) the local planning authority must not make the local development order before the expiry of 21 days after the date on which the further information was sent to all persons to whom the statement to which it relates was sent or the expiry of 21 days after the date that notice of it was published in a local newspaper, whichever is the later.”;

(f) in paragraph (8)—

(i) instead of “The applicant or appellant” it read “The local planning authority”; and

(ii) after “number of copies of the” it read “further information or other”.

10. Regulation 23 is to be read as if paragraphs (1) and (2) read—

“(1) Where particulars of a draft local development order are placed on Part 3 of the register, the local planning authority must take steps to secure that there is also placed on that Part a copy of any relevant—

- (a) screening opinion;
- (b) screening direction;
- (c) scoping opinion;
- (d) direction under regulation 4(4);
- (e) the statement referred to as the environmental statement including any further information;
- (f) statement of reasons accompanying any of the above.

(2) Where the relevant planning authority adopt a screening opinion or scoping opinion, or receive a copy of a screening direction before a local development order is made, the local planning authority must take steps to secure that a copy of the opinion or direction and any accompanying statement of reasons is made available for public inspection at all reasonable hours at the place where the appropriate register (or relevant section of that register) is kept.”

11. Rhaid darllen rheoliad 24 fel pe bai—

- (a) ym mharagraff (1) yn lle “Pan fo cais AEA yn cael ei benderfynu gan awdurdod cynllunio lleol” ei fod yn darllen “Pan fo awdurdod cynllunio lleol yn mabwysiadu gorchymyn datblygu lleol sy'n rhoi caniatâd i ddatblygiad sydd yn ddatblygiad AEA”; a
- (b) paragraffau (2) a (3) wedi eu hepgor.

12. Rhaid darllen rheoliad 53 fel pe bai—

- (a) ym mharagraff (1), is-baragraff (a) yn darllen—
 - “(a) y daw i sylw Gweinidogion Cymru bod datblygiad AEA y bwriedir ei gynnal yng Nghymru y mae awdurdod cynllunio lleol yn bwriadu rhoi caniatâd cynllunio drwy orchymyn datblygu lleol ar ei gyfer yn debygol o gael effeithiau sylweddol ar yr amgylchedd mewn Gwladwriaeth AEE arall; neu”; a
- (b) ym mharagraffau (3) a (6), yn lle “cais” ei fod yn darllen “gorchymyn datblygu lleol arfaethedig”.

11. Regulation 24 is to be read as if—

- (a) in paragraph (1) for “Where an EIA application is determined by a local planning authority” it read “Where a local planning authority adopt a local development order granting permission for development which constitutes EIA development”; and
- (b) paragraphs (2) and (3) were omitted.

12. Regulation 53 is to be read as if—

- (a) in paragraph (1) sub-paragraph (a) read—
 - “(a) it comes to the attention of the Welsh Ministers that EIA development proposed to be carried out in Wales for which a local planning authority propose to grant planning permission by a local development order is likely to have significant effects on the environment in another EEA State; or”; and
- (b) in paragraphs (3) and (6), instead of “application” it read “proposed local development order”.

Gorchmynion adran 97 a 102 o dan
Ddeddf 1990

1. Yn yr Atodlen hon ystyr “corff cychwyn” (“*initiating body*”) yw'r awdurdod cynllunio lleol neu Weinidogion Cymru, pan eu bod yn bwriadu gwneud gorchymyn adran 97 neu orchymyn adran 102.

2. Mewn achos pan fo'r Atodlen hon yn cael effaith, mae'r Rheoliadau hyn yn gymwys yn ddarostyngedig i'r addasiadau canlynol.

3. Nid yw rheoliadau 3, 5 i 12 a 19 yn gymwys.

4. Yn rheoliad 4—

- (a) nid yw paragraff (2)(a) yn gymwys;
- (b) ym mharagraff (2)(b), yn lle “perthnasol” darllener “lleol”;
- (c) ym mharagraff (7) darllener fel pe bai is-baragraff (b) wedi ei hepgor.

5. Rhaid darllen rheoliad 13 fel pe bai'n darparu—

“(1) Pan fo gorchymyn adran 97 neu orchymyn adran 102 arfaethedig yn caniatáu neu'n gwneud datblygiad AEA yn ofynnol, rhaid i'r corff cychwyn ddatgan ei farn am yr wybodaeth y mae'n rhaid ei darparu yn y datganiad amgylcheddol, oni bai bod y corff cychwyn yn awdurdod cynllunio lleol ac yn gwneud cais o dan reoliad 14(1).

(2) Rhaid i farn gwmpasu neu gyfarwyddyd cwmpasu o dan baragraff (1) gynnwys—

- (a) plan sy'n ddigonol i adnabod y tir;
- (b) disgrifiad byr o natur a phwrpas y datblygiad a'i effeithiau posibl ar yr amgylchedd; ac
- (c) unrhyw wybodaeth arall neu sylwadau eraill y mae'r corff cychwyn perthnasol yn dymuno eu darparu neu eu gwneud.

(3) Rhaid i gorff cychwyn beidio â mabwysiadu barn gwmpasu na chyfarwyddyd cwmpasu hyd nes ei fod wedi ymgynghori â'r ymgynghoreion.

(4) Cyn mabwysiadu barn gwmpasu neu gyfarwyddyd cwmpasu rhaid i'r corff cychwyn gymryd i ystyriaeth—

Section 97 and 102 Orders under the
1990 Act

1. In this Schedule “initiating body” (“*corff cychwyn*”) means the local planning authority or the Welsh Ministers, where they propose to make the section 97 order or the section 102 order.

2. In a case to which this Schedule has effect, these Regulations apply subject to the following modifications.

3. Regulations 3, 5 to 12 and 19 do not apply.

4. In regulation 4—

- (a) paragraph (2)(a) does not apply;
- (b) in paragraph (2)(b), for “relevant” read “local”;
- (c) in paragraph (7) read as if subparagraph (b) were omitted.

5. Regulation 13 is to be read as if it provided—

“(1) Where a proposed section 97 order or section 102 order permit or require EIA development, the initiating body must state its opinion as to the information to be provided in the environmental statement, unless the initiating body is a local planning authority and makes a request under regulation 14(1).

(2) A scoping opinion or scoping direction under paragraph (1) must include—

- (a) a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
- (c) such other information or representations as the relevant initiating body may wish to provide or make.

(3) An initiating body must not adopt a scoping opinion or scoping direction until they have consulted the consultees.

(4) Before adopting a scoping opinion or scoping direction the initiating body must take into account—

- (a) nodweddion penodol y datblygiad penodol;
- (b) nodweddion penodol datblygiad o'r math dan sylw; ac
- (c) y nodweddion amgylcheddol sy'n debygol o gael eu heffeithio gan y datblygiad.

(5) Os bydd Gweinidogion Cymru yn gwneud cyfarwyddyd cwmpasu o'u hewyllys eu hunain ar gais trydydd parti, rhaid iddynt anfon copi i'r awdurdod lleol sydd wedi cychwyn y gorchymyn."

6. Rhaid darllen rheoliad 14 fel pe bai—

- (a) paragraff (1) yn darllen "Caiff awdurdod cynllunio lleol sy'n bwriadu paratoi datganiad amgylcheddol ofyn i Weinidogion Cymru wneud cyfarwyddyd ynglŷn â'r wybodaeth y mae'n rhaid ei darparu yn y datganiad amgylcheddol ac mae'n rhaid i gais o'r fath gynnwys—
 - (a) copïau o'r farn sgrinio berthnasol a datganiad o resymau; a
 - (b) y materion y cyfeirir atynt yn rheoliad 13(2).";
- (b) paragraffau (2) a (5) wedi eu hepgor;
- (c) paragraff (6) yn darllen "Rhaid i Weinidogion Cymru ymgynghori â'r awdurdod cynllunio lleol a'r ymgynghoreion cyn gwneud cyfarwyddyd cwmpasu a rhaid iddynt wneud y cyfarwyddyd o fewn 5 wythnos yn dechrau â'r dyddiad y ceir y cais hwnnw neu unrhyw gyfnod hwy ag y gwneir yn ofynnol yn rhesymol."; a
- (d) y cyfeiriad ym mharagraff (7) at "rheoliad 13(6)" yn gyfeiriad at "rheoliad 13(4)".

7. Rhaid darllen rheoliad 15 fel pe bai'n darparu—

"**15.**—(1) Caiff corff cychwyn sy'n bwriadu paratoi datganiad amgylcheddol ymgynghori ag ymgynghorai er mwyn penderfynu a oes gan yr ymgynghorai unrhyw wybodaeth y mae'r ymgynghorai neu'r corff cychwyn yn ei hystyried yn berthnasol ar gyfer paratoi'r datganiad amgylcheddol.

(2) Os oes gan yr ymgynghorai wybodaeth o'r fath, rhaid i'r ymgynghorai drin yr ymgynghoriad gan y corff cychwyn fel cais am wybodaeth gan yr awdurdod cynllunio lleol o dan reoliad 5(1) o Reoliadau Gwybodaeth Amgylcheddol 2004(1)."

- (a) the specific characteristics of the particular development;
- (b) the specific characteristics of development of the type concerned; and
- (c) the environmental features likely to be affected by the development.

(5) If the Welsh Ministers make a scoping direction of their own volition or at the request of a third party, they must send a copy to the local authority which has initiated the order."

6. Regulation 14 is to be read as if—

- (a) paragraph (1) read "A local planning authority who intend to prepare an environmental statement may request the Welsh Ministers to make a direction as to the information to be provided in the environmental statement and such a request must include—
 - (a) copies of the relevant screening opinion and statement of reasons; and
 - (b) the matters referred to in regulation 13(2).";
- (b) paragraphs (2) and (5) were omitted;
- (c) paragraph (6) read "The Welsh Ministers must consult the local planning authority and the consultees before making a scoping direction and must make the direction within 5 weeks beginning with the date of receipt of that request or such longer period as may be reasonably required."; and
- (d) the reference in paragraph (7) to "regulation 13(6)" is to "regulation 13(4)".

7. Regulation 15 is to be read as if it provided—

"**15.**—(1) An initiating body which intends to prepare an environmental statement may consult with a consultee in order to determine whether the consultee has any information which the consultee or the initiating body considers relevant to the preparation of the environmental statement.

(2) If the consultee has such information, the consultee must treat the consultation by the initiating body as a request for information by the local planning authority under regulation 5(1) of the Environmental Information Regulations 2004(1)."

(1) O.S. 2004/3391.

(1) S.I. 2004/3391.

8. Rhaid darllen rheoliad 16 fel pe bai'n darparu—

“16.—(1) Pan fo datganiad, y cyfeirir ato fel datganiad amgylcheddol, wedi ei baratoi gan gorff cychwyn mewn perthynas â datblygiad sy'n ymwneud â gorchymyn adran 97 neu gorchymyn adran 102, rhaid i'r corff hwnnw—

- (a) anfon copi o'r gorchymyn adran 97 drafft neu'r gorchymyn adran 102 drafft a'r datganiad i'r ymgynghoreion a'u hysbysu y cânt gyflwyno sylwadau; a
- (b) hysbysu unrhyw berson penodol y mae'r corff yn ymwybodol ohono ac sy'n debygol o gael ei effeithio gan y gorchymyn drafft, neu sydd â diddordeb yn y gorchymyn drafft, ac sy'n annhebygol o ddod yn ymwybodol ohono drwy gyfrwng cyhoeddiad electronig, hysbysiad ar y safle neu drwy hysbyseb lleol, o—
 - (i) cyfeiriad yn yr ardal leol lle gellir cael copi o'r gorchymyn drafft a'r datganiad; a
 - (ii) y cyfeiriad y caniateir anfon sylwadau iddo.

(2) Ni chaiff y corff cychwyn wneud y gorchymyn hyd nes diwedd 21 diwrnod o'r dyddiad olaf y cyflwynwyd copi o'r datganiad yn unol â'r rheoliad hwn.

(3) Pan fo'r awdurdod cynllunio lleol yn paratoi datganiad amgylcheddol, rhaid iddo anfon un copi o bob un o unrhyw farn sgrinio, datganiad o resymau a gorchymyn drafft perthnasol i Weinidogion Cymru o fewn 14 diwrnod i anfon y datganiad i'r ymgynghoreion.”

9. Rhaid darllen rheoliad 17 fel pe bai—

- (a) paragraff (1) wedi ei hepgor;
- (b) paragraff (2) yn darllen—

“(2) Rhaid i'r corff cychwyn gyhoeddi hysbysiad mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol sy'n nodi—

- (a) enw a chyfeiriad y corff cychwyn;
- (b) cyfeiriad neu leoliad a natur y datblygiad y cyfeirir ato yn y gorchymyn adran 97 neu'r gorchymyn adran 102 arfaethedig;
- (c) bod copi o'r gorchymyn drafft ac unrhyw blan neu ddogfennau eraill sy'n mynd ynghyd ag ef, yn ogystal â chopi o'r datganiad amgylcheddol ar gael i aelodau'r cyhoedd edrych arno ar bob adeg resymol;

8. Regulation 16 is to be read as if it provided—

“16.—(1) Where a statement, referred to as an environmental statement, has been prepared by an initiating body in relation to development which is related to a section 97 order or section 102 order, that body must—

- (a) send a copy of the draft section 97 order or draft section 102 order and the statement to the consultees and inform them that they may make representations; and
- (b) notify any particular person of whom the body is aware and who is likely to be affected by, or has an interest in, the draft order and unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, of—
 - (i) an address in the locality where a copy of the draft order and statement may be obtained; and
 - (ii) the address to which representations may be sent.

(2) The initiating body must not make the order until the expiry of 21 days from the last date on which a copy of the statement was served in accordance with this regulation.

(3) When the local planning authority prepare an environmental statement, they must send to the Welsh Ministers, within 14 days of sending the statement to the consultees, one copy of each of any relevant screening opinion, statement of reasons and draft order.”

9. Regulation 17 is to be read as if—

- (a) paragraph (1) were omitted;
- (b) paragraph (2) read—

“(2) The initiating body must publish in a local newspaper circulating in the locality a notice stating—

- (a) the name and address of the initiating body;
- (b) the address or location and the nature of the development referred to in the proposed section 97 order or section 102 order;
- (c) that a copy of the draft order and of any plan or other documents accompanying it together with a copy of the environmental statement may be inspected by members of the public at all reasonable hours;

- (d) cyfeiriad yn yr ardal leol lle mae'r dogfennau hynny ar gael i'r cyhoedd edrych arnynt, a'r dyddiad olaf y maent ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);
- (e) cyfeiriad (pa un a yw'r un fath â'r cyfeiriad a roddir o dan is-baragraff (d) ai peidio) yn yr ardal leol lle gellir cael copïau o'r datganiad;
- (f) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (g) os codir tâl am gopi, swm y tâl; ac
- (h) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau ynglŷn â'r gorchymyn eu cyflwyno i'r corff cychwyn cyn y dyddiad a bennir yn unol ag is-baragraff (d).”;
- (c) paragraff (3) wedi ei hepgor;
- (d) ym mharagraff (4), bod “ceisydd” yn darllen “corff cychwyn”; ac
- (e) paragraffau (6) i (9) wedi eu hepgor.

10. Rhaid darllen rheoliad 18 fel pe bai'n darparu—

“18. Pan fo awdurdod cynllunio lleol yn cyflwyno gorchymyn adran 97 neu orchymyn adran 102 i Weinidogion Cymru i'w gadarnhau, rhaid i'r awdurdod hefyd gyflwyno un copi o unrhyw ddatganiad amgylcheddol ac unrhyw wybodaeth bellach.”

11. Rhaid darllen rheoliad 20 fel pe bai'n darparu—

“20.—(1) Pan mai'r awdurdod cynllunio lleol yw'r corff cychwyn, rhaid iddo sicrhau bod nifer rhesymol o gopïau o'r datganiad y cyfeirir ato fel y datganiad amgylcheddol a baratowyd mewn perthynas â'r datblygiad y mae'r awdurdod yn bwriadu gwneud gorchymyn adran 97 neu orchymyn adran 102 ar ei gyfer ar gael—

- (a) yn ei brif swyddfa yn ystod oriau swyddfa arferol; a
- (b) mewn unrhyw leoedd eraill o fewn ei ardal fel yr ystyria yn briodol.

(2) Pan mai Gweinidogion Cymru yw'r corff cychwyn, rhaid iddynt anfon copi o'r datganiad amgylcheddol a baratowyd mewn perthynas â'r gorchymyn arfaethedig i'r awdurdod cynllunio lleol a fyddai'n gyfrifol am benderfynu ar gais am ganiatâd cynllunio mewn perthynas â'r datblygiad sy'n dod o dan y gorchymyn adran 97 neu'r gorchymyn adran 102 arfaethedig.

- (d) an address in the locality at which those documents may be inspected, and the latest date on which they will be available for inspection (being a date not less than 21 days later than the date on which the notice is published);
- (e) an address (whether or not the same as that given under sub-paragraph (d)) in the locality at which copies of the statement may be obtained;
- (f) that copies may be obtained there so long as stocks last;
- (g) if a charge is to be made for a copy, the amount of the charge; and
- (h) that any person wishing to make representations about the order should make them before the date specified in accordance with sub-paragraph (d), to the initiating body.”;

- (c) paragraff (3) were omitted;
- (d) in paragraph (4), “applicant” read “initiating body”; and
- (e) paragraphs (6) to (9) were omitted.

10. Regulation 18 is to be read as if it provided—

“18. Where a local planning authority submits a section 97 order or a section 102 order to the Welsh Ministers for confirmation, the authority must also submit one copy of any environmental statement and any further information.”

11. Regulation 20 is to be read as if it provided—

“20.—(1) Where the initiating body is the local planning authority, they must ensure that a reasonable number of copies of the statement referred to as the environmental statement prepared in relation to development in relation to which the authority propose to make a section 97 order or section 102 order are available at—

- (a) their principal office during normal office hours; and
- (b) at such other places within their area as they consider appropriate.

(2) Where the initiating body is the Welsh Ministers, they must send to the local planning authority who would be responsible for determining an application for planning permission in respect of the development covered by the proposed section 97 order or section 102 order, a copy of the environmental statement prepared in relation to the proposed order.

(3) Pan fo'r awdurdod cynllunio lleol yn cael copi o ddatganiad amgylcheddol yn unol â pharagraff (2), rhaid iddo sicrhau bod nifer rhesymol o gopiau o'r datganiad ar gael—

- (a) yn ei brif swyddfa yn ystod oriau swyddfa arferol; a
- (b) mewn unrhyw leoedd eraill o fewn ei ardal fel yr ystyria yn briodol.”

12. Rhaid darllen rheoliad 22 fel pe bai—

(a) paragraff (1) yn darllen—

“(1) Pan fo—

- (a) datganiad amgylcheddol wedi ei baratoi; a gorchymyn adran 97 neu orchymyn adran 102 wedi ei gyflwyno i Weinidogion Cymru i'w gadarnhau; a
- (b) Gweinidogion Cymru yn ystyried y dylai'r datganiad gynnwys gwybodaeth ychwanegol er mwyn bod yn ddatganiad amgylcheddol,

rhaid i Weinidogion Cymru hysbysu'r awdurdod cynllunio perthnasol; a rhaid i'r awdurdod hwnnw sicrhau bod yr wybodaeth ychwanegol yn cael ei darparu; a chyfeirir at wybodaeth ychwanegol o'r fath yn y Rheoliadau hyn fel “gwybodaeth bellach” (“*further information*”);

(b) paragraff (3) yn darllen—

“(3) Rhaid i'r awdurdod cynllunio lleol gyhoeddi hysbysiad mewn papur newydd lleol sy'n cylchredeg yn yr ardal leol sy'n nodi—

- (a) enw a chyfeiriad yr awdurdod cynllunio perthnasol;
- (b) cyfeiriad neu leoliad a natur y datblygiad y cyfeirir ato yn y gorchymyn adran 97 neu orchymyn adran 102 arfaethedig;
- (c) bod gwybodaeth bellach ar gael mewn perthynas â datganiad amgylcheddol sydd wedi ei ddarparu'n barod;
- (d) y caiff aelodau'r cyhoedd edrych ar gopi o'r wybodaeth bellach ar bob adeg resymol;
- (e) cyfeiriad yn yr ardal leol lle caiff y cyhoedd edrych ar yr wybodaeth bellach, a'r dyddiad olaf y bydd ar gael i'w gweld (sydd yn ddyddiad nad yw'n llai na 21 diwrnod yn ddiweddarach na'r dyddiad y cyhoeddir yr hysbysiad);

(3) When the local planning authority receive a copy of an environmental statement pursuant to paragraph (2), they must ensure that a reasonable number of copies of the statement are available at—

- (a) their principal office during normal office hours; and
- (b) at such other places within their area as they consider appropriate.”

12. Regulation 22 must be read as if—

(a) paragraph (1) read—

“(1) Where—

- (a) an environmental statement has been prepared; and a section 97 order or section 102 order is submitted to the Welsh Ministers for confirmation; and
- (b) the Welsh Ministers consider that the statement should contain additional information in order to be an environmental statement,

the Welsh Ministers must notify the relevant planning authority; and that authority must ensure that the additional information is provided; and such additional information is referred to in these Regulations as “further information” (“*gwybodaeth bellach*”);

(b) paragraph (3) read—

“(3) The relevant planning authority must publish in a local newspaper circulating in the locality a notice stating—

- (a) the name and address of the relevant planning authority;
- (b) the address or location and the nature of the development referred to in the proposed section 97 order or section 102 order;
- (c) that further information is available in relation to an environmental statement which has already been provided;
- (d) that a copy of the further information may be inspected by members of the public at all reasonable hours;
- (e) an address in the locality at which the further information may be inspected, and the latest date on which it is available for inspection (being a date not less than 21 days later than the date on which the notice is published);

- (f) cyfeiriad yn yr ardal leol (pa un a yw'r un cyfeiriad ag a roddir o dan is-baragraff (e) ai peidio) lle y gellir cael yr wybodaeth bellach;
- (g) y gellir cael copïau yno cyhyd â bod rhai yn dal ar gael;
- (h) swm y tâl, os bydd tâl yn cael ei chodi am gopi;
- (i) y dylai unrhyw berson sy'n dymuno cyflwyno sylwadau am yr wybodaeth bellach eu cyflwyno i'r awdurdod cynllunio perthnasol cyn y dyddiad a bennir yn unol ag is-baragraff (e);

(j) y cyfeiriad y dylid anfon sylwadau iddo.”;

(c) paragraff (4) yn darllen—

“(4) Rhaid i'r awdurdod cynllunio lleol anfon copi o'r wybodaeth bellach i bob person yr anfonwyd atynt y datganiad sy'n ymwneud â hi, yn unol â'r Rheoliadau, ac i Weinidogion Cymru.”;

(d) paragraffau (5) a (6) wedi eu hepgor;

(e) paragraff (7) yn darllen—

“(7) Pan ddarperir gwybodaeth o dan baragraff (1) neu pan ddarperir unrhyw wybodaeth arall, rhaid i Weinidogion Cymru beidio â chadarnhau gorchymyn adran 97 na gorchymyn adran 102 cyn diwedd 21 diwrnod ar ôl y dyddiad yr anfonwyd yr wybodaeth bellach i bob person yr anfonwyd atynt y datganiad sy'n ymwneud â hi neu ddiwedd 21 diwrnod ar ôl y dyddiad y cyhoeddwyd hysbysiad ohoni mewn papur newydd lleol, pa bynnag un sydd ddiweddaraf.”;

(f) ym mharagraff (8)—

- (i) yn lle “ceisydd neu'r apelydd sy'n darparu” ei fod yn darllen “awdurdod cynllunio lleol sy'n darparu”; a
- (ii) ar ôl “nifer rhesymol o gopïau o'r wybodaeth” ei fod yn dweud “bellach”.

13. Rhaid darllen rheoliad 23 fel pe bai paragraffau (1) a (2) yn darllen—

“(1) Rhaid i bob awdurdod cynllunio lleol gadw cofnod sy'n cynnwys copi o bob gorchymyn adran 97 a gorchymyn adran 102 sy'n ymwneud â'i ardal, ynghyd â datganiad o'r rhesymau dros wneud y gorchymyn; a rhaid i'r awdurdod gymryd camau i sicrhau bod copi'n cael ei roi ar y cofnod hwnnw hefyd o unrhyw un o'r canlynol sy'n berthnasol—

- (a) barn sgrinio;

(f) an address (whether or not the same as that given under sub-paragraph (e)) in the locality at which copies of the further information may be obtained;

(g) that copies may be obtained there so long as stocks last;

(h) if a charge is to be made for a copy, the amount of the charge;

(i) that any person wishing to make representations about the further information should make them to the relevant planning authority before the date specified in accordance with sub-paragraph (e);

(j) the address to which representations should be sent.”;

(c) paragraph (4) read—

“(4) The local planning authority must send a copy of the further information to each person to whom, in accordance with the Regulations, the statement to which it relates was sent and to the Welsh Ministers.”;

(d) paragraphs (5) and (6) were omitted;

(e) paragraph (7) read—

“(7) Where information is provided under paragraph (1) or any other information is provided the Welsh Ministers must not confirm the section 97 order or section 102 order before the expiry of 21 days after the date on which the further information was sent to all persons to whom the statement which it relates was sent or the expiry of 21 days after the date that notice of it was published in a local newspaper, whichever is the later.”;

(f) in paragraph (8)—

- (i) instead of “The applicant or appellant who provides” it read “The local planning authority providing”; and
- (ii) after “number of copies of the” and before “information”, it read “further”.

13. Regulation 23 is to be read as if paragraphs (1) and (2) read—

“(1) Each local planning authority must keep a record containing a copy of every section 97 order and section 102 order relating to their area, together with a statement of the reasons for making the order; and the authority must take steps to secure that there is also placed on that record a copy of any relevant—

- (a) screening opinion;

- (b) cyfarwyddyd sgrinio;
- (c) barn gwmpasu;
- (d) cyfarwyddyd o dan reoliad 4(4);
- (e) datganiad y cyfeirir ato fel y datganiad amgylcheddol, gan gynnwys unrhyw wybodaeth bellach;
- (f) datganiad o resymau sy'n mynd ynghyd ag unrhyw rai o'r uchod.

(2) Pan fo'r awdurdod cynllunio lleol yn mabwysiadu barn sgrinio neu farn gwmpasu, neu'n cael copi o gyfarwyddyd sgrinio neu gyfarwyddyd cwmpasu cyn i orchymyn adran 97 neu orchymyn adran 102 gael ei wneud, rhaid i'r awdurdod gymryd camau i sicrhau bod copi o'r farn neu'r cyfarwyddyd ac unrhyw ddatganiad o resymau sy'n mynd ynghyd ag ef neu hi ar gael i'r cyhoedd edrych arno ar bob adeg resymol yn y lle y cedwir y cofnod.

(3) Rhaid i gopïau o'r dogfennau y cyfeirir atynt ym mharagraff (2) barhau i fod ar gael am gyfnod o ddwy flynedd o'r dyddiad y'u gosodir ar y cofnod."

14. Rhaid darllen rheoliad 24 fel pe bai'n darparu—

"**24.**—(1) Yn y rheoliad hwn, ystyr "penderfyniad" ("*decision*"), mewn perthynas â gorchymyn sy'n cael effaith o dan adran 97(7) o Ddeddf 1990, yw'r penderfyniad i wneud y gorchymyn ac fel arall, y penderfyniad i gadarnhau y gorchymyn adran 97 neu'r gorchymyn adran 102.

(2) Pan fo gorchymyn adran 97 neu orchymyn adran 102 sy'n caniatáu neu'n gwneud yn ofynnol datblygiad AEA yn cael effaith, rhaid i Weinidogion Cymru—

- (a) hysbysu awdurdod cynllunio lleol yr ardal y mae'r gorchymyn yn ymwneud â hi pan fo'r gorchymyn yn cael ei wneud neu ei gadarnhau; a
- (b) ac eithrio mewn perthynas â gorchymynion adran 97 sy'n cael effaith heb gael eu cadarnhau gan Weinidogion Cymru yn unol ag adran 99(7) o Ddeddf 1990, ddarparu datganiad sy'n cynnwys yr wybodaeth ym mharagraff (3)(c) i'r awdurdod.

(3) Pan fo gorchymyn adran 97 neu orchymyn adran 102 sy'n caniatáu neu'n gwneud yn ofynnol datblygiad AEA yn cael effaith, rhaid i'r awdurdod cynllunio lleol ar gyfer yr ardal y mae'r gorchymyn yn ymwneud â hi—

- (b) screening direction;
- (c) scoping opinion;
- (d) direction under regulation 4(4);
- (e) statement referred to as the environmental statement, including any further information;
- (f) statement of reasons accompanying any of the above.

(2) Where the local planning authority adopt a screening opinion or scoping opinion, or receive a copy of a screening direction or scoping direction before a section 97 order or a section 102 order is made, the authority must take steps to secure that a copy of the opinion or direction and any accompanying statement of reasons is made available for public inspection at all reasonable hours at the place where the record is kept.

(3) Copies of the documents referred to in paragraph (2) must remain so available for a period of two years from the date on which they are placed on the record."

14. Regulation 24 is to be read as if it provided—

"**24.**—(1) In this regulation, "decision" ("*penderfyniad*") means, in relation to an order which takes effect under section 97(7) of the 1990 Act, the decision to make the order and otherwise, the decision to confirm the section 97 order or the section 102 order.

(2) Where a section 97 order or a section 102 order permitting or requiring EIA development takes effect, the Welsh Ministers must—

- (a) notify the local planning authority for the area to which the order relates when the order is made or confirmed; and
- (b) other than in relation to section 97 orders which take effect without being confirmed by the Welsh Ministers pursuant to section 99(7) of the 1990 Act, provide the authority with a statement containing the information in paragraph (3)(c).

(3) Where a section 97 order or a section 102 order permitting or requiring EIA development takes effect, the local planning authority for the area to which the order relates must—

- | | |
|--|--|
| <p>(a) hysbysu'r cyhoedd o'r penderfyniad, drwy hysbyseb lleol, neu drwy unrhyw ddull arall sy'n rhesymol o dan yr amgylchiadau; a</p> <p>(b) sicrhau bod datganiad sy'n cynnwys y canlynol ar gael i'r cyhoedd edrych arno yn y lle y mae'r cofnod o orchmynion adran 97 a gorchmynion adran 102 yn cael eu cadw—</p> <p>(i) cynnwys y penderfyniad ac unrhyw amodau cysylltiedig;</p> <p>(ii) y prif resymau ac ystyriaethau y seiliwyd y penderfyniad arnynt gan gynnwys, os yn berthnasol, gwybodaeth am gyfranogiad y cyhoedd.</p> <p>(iii) disgrifiad, pan fo angen, o'r prif fesurau i osgoi, lleihau, ac os yn bosibl, gwrthbwysio prif effeithiau andwyol y datblygiad a ganiateir neu sy'n ofynnol gan y gorchymyn; a</p> <p>(iv) gwybodaeth ynglŷn â'r hawl i herio dilysrwydd y penderfyniad a'r gweithdrefnau ar gyfer gwneud hynny.”</p> | <p>(a) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and</p> <p>(b) make available for public inspection at the place where the record of section 97 orders and section 102 orders is kept, a statement containing—</p> <p>(i) the content of the decision and any conditions attached to it;</p> <p>(ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;</p> <p>(iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development permitted or required by the order; and</p> <p>(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.”</p> |
|--|--|

15. Rhaid darllen rheoliad 53 fel pe bai—

- (a) “penderfyniad” â'r un ystyr ag ym mharagraff 14;
- (b) ym mharagraff (1), is-baragraff (a) yn darllen—
- “(a) y daw i sylw Gweinidogion Cymru bod datblygiad AEA y bwriedir ei gynnal yng Nghymru ac y mae corff cychwyn yn bwriadu ei gwneud yn ofynnol neu ganiatáu drwy orchymyn adran 97 neu orchymyn adran 102, yn debygol o gael effaith sylweddol ar yr amgylchedd mewn Gwladwriaeth AEE arall; neu ”; ac
- (c) ym mharagraffau (3) a (6), yn lle “cais” ei fod yn darllen “gorchymyn adran 97 neu orchymyn adran 102 arfaethedig”.

15. Regulation 53 is to be read as if—

- (a) “decision” has the same meaning as in paragraph 14;
- (b) in paragraph (1) subparagraph (a) read—
- “(a) it comes to the attention of the Welsh Ministers that EIA development proposed to be carried out in Wales for which an initiating body proposes to require or permit by a section 97 order or a section 102 order is likely to have significant effects on the environment in another EEA State; or”; and
- (c) in paragraphs (3) and (6), instead of “application” it read “proposed section 97 order or section 102 order”.

Ceisiadau ROMP(1)

Addasu darpariaethau ynglŷn â gwaharddiad ar roi caniatâd cynllunio neu gydsyniad dilynol

1. Rhaid darllen rheoliad 3 (gwaharddiad ar roi caniatâd cynllunio neu ganiatâd dilynol heb ystyried gwybodaeth amgylcheddol) fel pe bai—

- (a) ym mharagraff (1)(b), “3 (ceisiadau am ganiatâd cynllunio)” yn darllen “11 (caniatâd arall)”;
- (b) ym mharagraff (2), yn achos cais ROMP, bod “yr hyn a benderfynwyd yn unol ag erthygl 22(3) (cyfnodau amser ar gyfer penderfyniadau) o Orchymyn 2012”, yn darllen “y dyddiad y gwnaed cais ROMP sy'n cydymffurfio â darpariaethau paragraffau 2(3) i (5) a 4(1) o Atodlen 2 i Ddeddf 1991, 9(2) o Atodlen 13 i Ddeddf 1995(2), neu 6(2) o Atodlen 14 i Ddeddf 1995”.

Addasu darpariaethau mewn cais i awdurdod cynllunio lleol heb ddatganiad amgylcheddol

2. Yn achos cais ROMP, rhaid i reoliad 10(4) (cais a wnaed i awdurdod cynllunio lleol heb ddatganiad amgylcheddol) gael ei ddarllen fel pe bai—

- (a) “21 diwrnod” yn darllen “6 wythnos”; a
- (b) ar ôl “yr hysbysiad”, ei fod yn darllen “, neu o fewn cyfnod arall y cytunir arno gyda'r awdurdod yn ysgrifenedig”.

Datgymhwyso Rheoliadau ac addasu darpariaethau ar gais a atgyfeiriwyd neu a apelwyd i Weinidogion Cymru heb ddatganiad amgylcheddol

3.—(1) Yn achos cais ROMP, nid yw rheoliadau 10(6) ac (8), 11(6) a (7), 12(7), 25 a 57 yn gymwys.

(1) Ar gyfer ystyr “ROMP” gweler rheoliad 52(1).
 (2) Diwygiwyd paragraff 9 o Atodlen 13 a paragraff 60 o Atodlen 14 gan O.S. 2004/3156 (Cy. 273), Mae diwygiad arall nad yw'n berthnasol i'r offeryn hwn.

ROMP(1) Applications

Modification of provisions on prohibition of granting planning permission or subsequent consent

1. Regulation 3 (prohibition on granting planning permission or subsequent consent without consideration of environmental information) is to be read as if—

- (a) in paragraph (1)(b), “3 (applications for planning permission)” read “11 (other consents)”;
- (b) in paragraph (2), in the case of a ROMP application, “determined in accordance with article 22(3) (time periods for decisions) of the 2012 Order”, read “the date on which a ROMP application has been made which complies with the provisions of paragraphs 2(3) to (5) and 4(1) of Schedule 2 to the 1991 Act, 9(2) of Schedule 13 to the 1995 Act(2), or 6(2) of Schedule 14 to the 1995 Act”.

Modification of provisions on application to local planning authority without an environmental statement

2. In the case of a ROMP application, regulation 10(4) (application made to a local planning authority without an environmental statement) is to be read as if—

- (a) “21 days” read “6 weeks”; and
- (b) after “the notification”, it read “, or within such other period as may be agreed with the authority in writing”.

Disapplication of Regulations and modifications of provisions on application referred to or appealed to the Welsh Ministers without an environmental statement

3.—(1) In the case of a ROMP application, regulations 10(6) and (8), 11(6) and (7), 12(7), 25 and 57 do not apply.

(1) For the meaning of “ROMP” see regulation 52(1).
 (2) Paragraph 9 of Schedule 13 and paragraph 60 of Schedule 14 were amended by S.I. 2004/3156 (W. 273), There is another amendment which is not relevant to this instrument.

(2) Yn achos cais ROMP, rhaid darllen rheoliad 11(5) (cais a atgyfeiriwyd i Weinidogion Cymru heb ddatganiad amgylcheddol) a rheoliad 12(6) (apel i Weinidogion Cymru heb ddatganiad amgylcheddol) fel pe bai—

- (a) “21 diwrnod” yn darllen “6 wythnos”; a
- (b) ar ôl “yr hysbysiad” ei fod yn darllen “, neu o fewn unrhyw gyfnod arall y cytunir arno gyda Gweinidogion Cymru yn ysgrifenedig”.

Amnewid cyfeiriadau at hawl i apelio o dan adran 78 o Ddeddf 1990 ac addasiadau i ddarpariaethau wrth apelio i Weinidogion Cymru heb ddatganiad amgylcheddol

4.—(1) Yn achos cais ROMP, yn rheoliadau 12(1) a 18(b), yn lle'r cyfeiriadau at “adran 78 o Ddeddf 1990 (hawl i apelio yn erbyn penderfyniadau cynllunio a methiant i wneud penderfyniadau o'r fath)” darllener—

“baragraff 5(2) o Atodlen 2 i Ddeddf 1991, paragraff 11(1) o Atodlen 13 i Ddeddf 1995 neu baragraff 9(1) o Atodlen 14 i Ddeddf 1995 (hawl i apelio)”.

(2) Yn achos cais ROMP, darllener rheoliad 12(2) (apel i Weinidogion Cymru heb ddatganiad amgylcheddol) fel pe bai “, ac eithrio drwy wrthod caniatâd cynllunio neu ganiatâd dilynol” wedi ei hepgor.

Addasu darpariaethau ar baratoi, cyhoeddusrwydd a gweithdrefnau wrth gyflwyno datganiadau amgylcheddol

5.—(1) Yn achos cais ROMP, yn rheoliadau 13(10) a 14(9), yn lle'r geiriau “â chais am ganiatâd cynllunio neu gais dilynol ar gyfer” darllener “â chais ROMP sy'n ymwneud â chaniatâd cynllunio arall sy'n awdurdodi”.

(2) Yn achos cais ROMP, yn rheoliad 16 (y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i awdurdod cynllunio lleol) yn lle paragraff (4) darllener—

“(4) Pan fo ceisydd yn cyflwyno datganiad amgylcheddol i'r awdurdod yn unol â pharagraff (1), mae darpariaethau erthygl 12 o Orchymyn 2012 (cyhoeddusrwydd i geisiadau am ganiatâd cynllunio) ac Atodlen 3 iddo yn gymwys i gais ROMP o dan baragraff—

- (a) 2(2) o Atodlen 2 i Ddeddf 1991, a

(2) In the case of a ROMP application, regulation 11(5) (application referred to the Welsh Ministers without an environmental statement) and regulation 12(6) (appeal to the Welsh Ministers without an environmental statement) are to be read as if—

- (a) “21 days” read “6 weeks”; and
- (b) after “the notification” they read “, or within such other period as may be agreed with the Welsh Ministers in writing”.

Substitution of references to section 78 of the 1990 Act right of appeal and modification of provisions on appeal to the Welsh Ministers without an environmental statement

4.—(1) In the case of a ROMP application, in regulations 12(1) and 18(b), for the references to “section 78 of the 1990 Act (right to appeal against planning decisions and failure to take such decisions)” read—

“paragraph 5(2) of Schedule 2 to the 1991 Act, paragraph 11(1) of Schedule 13 to the 1995 Act or paragraph 9(1) of Schedule 14 to the 1995 Act (right of appeal)”.

(2) In the case of a ROMP application, read regulation 12(2) (appeal to the Welsh Ministers without an environmental statement) as if “, except by refusing planning permission or subsequent consent,” were omitted.

Modification of provisions on preparation, publicity and procedures on submission of environmental statements

5.—(1) In the case of a ROMP application, in regulations 13(10) and 14(9), for the words “an application for planning permission or a subsequent application for” read “a ROMP application which relates to another planning permission which authorises”.

(2) In the case of a ROMP application, in regulation 16 (procedure where an environmental statement is submitted to a local planning authority) for paragraph (4) read—

“(4) Where an applicant submits an environmental statement to the authority in accordance with paragraph (1), the provisions of article 12 of and Schedule 3 to the 2012 Order (publicity for applications for planning permission) apply to a ROMP application under paragraph—

- (a) 2(2) of Schedule 2 to the 1991 Act, and

(b) 6(1) o Atodlen 14 i Ddeddf 1995 (1),

fel y maent yn gymwys i gais cynllunio sy'n dod o fewn paragraff (2) o erthygl 12 o Orchymyn 2012 ac eithrio bod “benderfynu'r amodau y mae cais cynllunio i fod yn ddarostyngedig iddynt” yn cael ei roi yn lle'r cyfeiriadau at “ganiatâd cynllunio” yn yr hysbysiad yn Atodlen 3 i Orchymyn 2012 a bod rhaid i'r hysbysiad gyfeirio at ddarpariaethau perthnasol Deddf 1991 neu Ddeddf 1995 y gwneir y cais yn unol â hwy.”

(3) Yn achos cais ROMP, yn rheoliad 17 (cyhoeddusrwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio)—

(a) ym mharagraff (2)(a) yn lle'r geiriau “bod cais yn cael ei wneud am ganiatâd cynllunio neu ganiatâd dilynol” darllener—

“bod cais yn cael ei wneud i benderfynu'r amodau y mae caniatâd cynllunio i fod yn ddarostyngedig iddynt, darpariaethau perthnasol Deddf 1991 neu Ddeddf 1995 y gwneir y cais yn unol â hwy”;

(b) yn lle paragraff (7) darllener—

“(7) Pan fo ceisydd yn dynodi bod y ceisydd yn bwriadu darparu datganiad o'r fath ac o dan yr amgylchiadau hynny a grybwyllir ym mharagraff (1), rhaid i'r awdurdod cynllunio perthnasol, Gweinidogion Cymru neu'r arolygydd, yn ôl y digwydd, ohirio ystyried y cais neu'r apêl hyd nes y dyddiad a bennir gan yr awdurdod neu gan Weinidogion Cymru ar gyfer cyflwyno'r datganiad amgylcheddol a chydymffurfio â pharagraff (6); a rhaid iddynt beidio â phenderfynu'r cais neu'r apêl yn ystod y cyfnod o 21 o ddiwrnodau sy'n dechrau â'r dyddiad y ceir y datganiad a'r dogfennau eraill a grybwyllir ym mharagraff (6).”

(4) Yn achos cais ROMP, yn rheoliad 18 (darparu copïau o ddatganiadau amgylcheddol a gwybodaeth bellach i Weinidogion Cymru pe bai atgyfeirio neu apelio), ym mharagraff (a) yn lle “adran 77 o Ddeddf 1990” darllener “baragraff 7(1) o Atodlen 2 i Ddeddf 1991, paragraff 13(1) o Atodlen 13 i Ddeddf 1995 neu baragraff 8(1) o Atodlen 14 i Ddeddf 1995”.

(5) Yn achos cais ROMP, yn rheoliad 20 (argaeledd copïau o ddatganiadau amgylcheddol) ar ôl “Gorchymyn 2012” darllener “(fel y'i cymhwysir gan reoliad 16(5) neu gan baragraff 9(5) o Atodlen 13 i Ddeddf 1995).”

(1) Mae darpariaethau Gorchymyn 2012 yn gymwys i geisiadau o dan baragraff 9(1) o Atodlen 13 i Ddeddf 1995 yn rhinwedd paragraff 9(5) o'r Atodlen honno.

(b) 6(1) of Schedule 14 to the 1995 Act(1),

as they apply to a planning application falling within paragraph (2) of article 12 of the 2012 Order except that for the references in the notice in Schedule 3 to the 2012 Order to “planning permission” there is substituted “determination of the conditions to which a planning permission is to be subject” and that the notice must refer to the relevant provisions of the 1991 Act or 1995 Act pursuant to which the application is made.”

(3) In the case of a ROMP application, in regulation 17 (publicity where an environmental statement is submitted after the planning application)—

(a) in paragraph (2)(a) for the words “that an application is being made for planning permission or subsequent consent” read—

“that an application is being made for determination of the conditions to which a planning permission is to be subject, the relevant provisions of the 1991 Act or 1995 Act pursuant to which the application is made”;

(b) for paragraph (7) read—

“(7) Where an applicant indicates that is the applicant proposes to provide such a statement and in such circumstances as are mentioned in paragraph (1), the relevant planning authority, the Welsh Ministers or the inspector, as the case may be, must suspend consideration of the application or appeal until the date specified by the authority or the Welsh Ministers for submission of the environmental statement and compliance with paragraph (6); and must not determine the application or appeal during the period of 21 days beginning with the date of receipt of the statement and the other documents mentioned in paragraph (6).”

(4) In the case of a ROMP application, in regulation 18 (provision of copies of environmental statements and further information for the Welsh Ministers on referral or appeal), in paragraph (a) for “section 77 of the 1990 Act” read “paragraph 7(1) of Schedule 2 to the 1991 Act, paragraph 13(1) of Schedule 13 to the 1995 Act or paragraph 8(1) of Schedule 14 to the 1995 Act”.

(5) In the case of a ROMP application, in regulation 20 (availability of copies of environmental statements) after “the 2012 Order” read “(as applied by regulation 16(5) or by paragraph 9(5) of Schedule 13 to the 1995 Act).”

(1) The provisions of the 2012 Order apply to applications under paragraph 9(1) of Schedule 13 to the 1995 Act by virtue of paragraph 9(5) of that Schedule.

(6) Yn achos cais ROMP, yn rheoliad 22 (gwybodaeth bellach a thystiolaeth mewn cysylltiad â datganiadau amgylcheddol)—

- (a) ym mharagraff (3)(a) yn lle'r geiriau “ceisydd am ganiatâd cynllunio neu am ganiatâd dilynol, neu'r apelydd (yn ôl y digwydd)” darllener—

“person sydd wedi gwneud cais am benderfynu'r amodau y mae'r cais cynllunio i fod yn ddarostyngedig iddynt neu sydd wedi apelio mewn perthynas â hwy, darpariaethau perthnasol Deddf 1991 neu Ddeddf 1995 y gwneir y cais yn unol â hwy”;

- (b) ym mharagraff (7)(a) ar ôl y geiriau “cais neu'r apêl dros dro” darllener “hyd y dyddiad a bennir ganddynt ar gyfer cyflwyno'r wybodaeth bellach”.

Addasu darpariaethau wrth wneud cais i Uchel Lys a rhoi cyfarwyddyd

6.—(1) Yn achos cais ROMP, yn lle rheoliad 55 (cais i'r Uchel Lys) darllener—

“Cais i'r Uchel Lys

55. At ddibenion Rhan 12 o Ddeddf 1990 (dilysrwydd penderfyniadau penodol), rhaid cymryd bod y cyfeiriad yn adran 288 o Ddeddf 1990, fel y'i cymhwysir gan baragraff 9(3) o Atodlen 2 i Ddeddf 1991, paragraff 16(4) o Atodlen 13 i Ddeddf 1995 neu baragraff 9(4) o Atodlen 14 i Ddeddf 1995, at weithredu ar ran Gweinidogion Cymru heb fod o fewn pwerau Deddf 1990, yn ymestyn i benderfynu cais ROMP gan Weinidogion Cymru yn groes i reoliad 3.”

(2) Mae'r pŵer i nodi cyfarwyddyd yn erthygl 18(2) o Orchymyn 2012 yn gymwys i ddatblygiad ROMP fel y mae'n gymwys i ddatblygiad y gwneir cais cynllunio ar ei gyfer.

Atal datblygiad mwynau dros dro

7.—(1) Pan fo'r awdurdod, Gweinidogion Cymru neu arolygydd yn ymdrin â chais ROMP neu apêl sy'n codi o gais ROMP ac yn hysbysu'r ceisydd neu'r apeliwr, yn ôl y digwydd, ei bod—

- (a) yn ofynnol dan reoliad 10(1), 11(2) neu 12(4) i gyflwyno datganiad amgylcheddol yna mae'n rhaid i hysbysiad o'r fath nodi'r cyfnod y mae'r datganiad amgylcheddol a chydymffurfiad â rheoliad 17(6) yn ofynnol; neu

(6) In the case of a ROMP application, in regulation 22 (further information and evidence in respect of environmental statements)—

- (a) in paragraph (3)(a) for the words “applicant for planning permission or subsequent consent or the appellant (as the case may be)” read—

“person who has applied for or who has appealed in relation to the determination of the conditions to which the planning permission is to be subject, the relevant provisions of the 1991 Act or 1995 Act pursuant to which the application is made”;

- (b) in paragraph (7)(a) after the words “application or appeal” read “until the date they specify for submission of the further information”.

Modification of provisions on application to the High Court and giving of directions

6.—(1) In the case of a ROMP application, for regulation 55 (application to the High Court) read—

“Application to the High Court

55. For the purposes of Part 12 of the 1990 Act (validity of certain decisions), the reference in section 288 of the 1990 Act, as applied by paragraph 9(3) of Schedule 2 to the 1991 Act, paragraph 16(4) of Schedule 13 to the 1995 Act or paragraph 9(4) of Schedule 14 to the 1995 Act, to action of the Welsh Ministers not being within the powers of the 1990 Act must be taken to extend to the determination of a ROMP application by the Welsh Ministers in contravention of regulation 3.”

(2) The direction making power in article 18(2) of the 2012 Order applies to ROMP development as it applies to development in respect of which a planning application is made.

Suspension of minerals development

7.—(1) Where the authority, the Welsh Ministers or an inspector are dealing with a ROMP application or an appeal arising from a ROMP application and notify the applicant or appellant, as the case may be, that—

- (a) the submission of an environmental statement is required under regulation 10(1), 11(2) or 12(4) then such notification must specify the period within which the environmental statement and compliance with regulation 17(6) is required; or

- (b) yn ofynnol dan reoliad 22(1) i ddatganiad gynnwys gwybodaeth ychwanegol
yna mae'n rhaid i hysbysiad o'r fath bennu'r cyfnod y mae'n ofynnol darparu'r wybodaeth oddi mewn iddo.

(2) Yn ddarostyngedig i baragraff(3), caiff y caniatâd cynllunio y mae'r cais ROMP yn ymwneud ag ef ddim ond awdurdodi unrhyw ddatblygiad mwynau (heblaw bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio sy'n nodi nad yw datblygiad ROMP yn ddatblygiad AEA) os yw'r ceisydd neu'r apeliwr wedi—

- (a) ysgrifennu at yr awdurdod neu Weinidogion Cymru o fewn y 6 wythnos neu gyfnod arall y cytunir arno yn unol â rheoliad 10(3) a 10(4), 11(3) a 11(5) neu 12(6);
- (b) cyflwyno datganiad amgylcheddol a chydymffurfio â rheoliad 17(6) o fewn y cyfnod a bennir gan yr awdurdod neu Weinidogion Cymru yn unol â pharagraff (1) neu o fewn unrhyw gyfnod estynedig y cytunir arno'n ysgrifenedig;
- (c) darparu gwybodaeth ychwanegol o fewn y cyfnod a bennir gan yr awdurdod, i Weinidogion Cymru neu arolygydd yn unol â pharagraff (1) neu o fewn unrhyw gyfnod estynedig y cytunir arno'n ysgrifenedig; neu
- (d) pan fo hysbysiad o dan reoliad 5(4), 6(3), 13(3) neu 14(3) wedi ei gael, ar yr amod bod yr wybodaeth ychwanegol y gofynnwyd amdani o fewn 21 diwrnod gan ddechrau â dyddiad yr hysbysiad, neu o fewn unrhyw gyfnod estynedig y cytunir arno'n ysgrifenedig.

(3) Pan fo paragraff (2) yn gymwys, ni chaiff y caniatâd cynllunio awdurdodi unrhyw ddatblygiad mwynau o ddiwedd—

- (a) y cyfnod perthnasol a bennir yn rheoliadau 10(3) a 10(4), 11(3) a 11(5) neu 12(6) neu gyfnod y cytunir arno yn unol â'r rheoliadau hynny; a
- (b) y cyfnod a bennir neu y cytunir arno yn ysgrifenedig fel y cyfeirir ato yn is-baragraffau (2)(b), (c), a (d),

tan fod y ceisydd wedi cydymffurfio â'r holl ddarpariaethau y cyfeirir atynt ym mharagraff (2) sy'n berthnasol i'r cais neu'r apêl dan sylw.

(4) Rhaid i fanylion atal datblygiad mwynau dros dro a dyddiad y bydd yr ataliad hwnnw'n dod i ben gael eu nodi yn y rhan briodol o'r gofrestr cyn gynted ag sy'n rhesymol ymarferol.

- (b) a statement should contain additional information under regulation 22(1),
then such notification must specify the period within which that information is to be provided.

(2) Subject to paragraph (3), the planning permission to which the ROMP application relates may only authorise any minerals development (unless the Welsh Ministers have made a screening direction to the effect that ROMP development is not EIA development) if the applicant or the appellant has—

- (a) written to the authority or Welsh Ministers within the 6 week or other period agreed pursuant to regulation 10(3) and 10(4), 11(3) and 11(5) or 12(6);
- (b) submitted an environmental statement and complied with regulation 17(6) within the period specified by the authority or the Welsh Ministers in accordance with paragraph (1) or within such extended period as is agreed in writing;
- (c) provided additional information within the period specified by the authority, the Welsh Ministers or an inspector in accordance with paragraph (1) or within such extended period as is agreed in writing; or
- (d) where a notification under regulation 5(4), 6(3), 13(3) or 14(3) has been received, provided the additional information requested within 21 days beginning with the date of the notification, or within such extended period as may be agreed in writing.

(3) Where paragraph (2) applies, the planning permission may not authorise any minerals development from the end of—

- (a) the relevant period specified in or agreed pursuant to regulations 10(3) and 10(4), 11(3) and 11(5) or 12(6); and
- (b) the period specified or agreed in writing as referred to in sub-paragraphs (2)(b), (c), and (d),

until the applicant has complied with all of the provisions referred to in paragraph (2) which are relevant to the application or appeal in question.

(4) Particulars of the suspension of minerals development and the date when that suspension ends must be entered in the appropriate part of the register as soon as reasonably practicable.

(5) Nid yw paragraff (2) yn effeithio ar unrhyw ddatblygiad mwynau a gynhelir o dan y caniatâd cynllunio cyn dyddiad atal y datblygiad mwynau dros dro.

(6) At ddibenion paragraffau (2) i (5), ystyr “datblygiad mwynau” (“*minerals development*”) yw datblygiad sy’n cynnwys ennill a gweithio ar fwynau, neu’n cynnwys gwaddodi gwastraff mwynol.

Penderfynu ar amodau a hawl apelio wrth beidio â phenderfynu

8.—(1) Pan mai cyfrifoldeb awdurdod cynllunio mwynau yw penderfynu ar gais Atodiad 1 neu Atodiad 2, nid oes gan baragraff 2(6)(b) o Atodlen 2 i Ddeddf 1991 paragraff 9(9) o Atodlen 13 i Ddeddf 1995 neu baragraff 6(8) o Atodlen 14 i Ddeddf 1995 rym i drin yr awdurdod fel bod wedi penderfynu ar yr amodau y mae unrhyw ganiatâd cynllunio perthnasol yn ddarostyngedig iddo heblaw—

- (a) bod yr awdurdod cynllunio mwynau wedi mabwysiadu barn sgrinio; neu
- (b) bod Gweinidogion Cymru wedi gwneud cyfarwyddyd sgrinio sydd â’r effaith nad yw’r datblygiad ROMP dan sylw yn ddatblygiad AEA;

(2) Pan mai cyfrifoldeb awdurdod cynllunio mwynau neu Weinidogion Cymru yw penderfynu ar gais Atodlen 1 neu Atodlen 2—

- (a) mae adran 69 o Ddeddf 1990 (cofrestr o geisiadau ac ati), ac unrhyw ddarpariaethau o Orchymyn 2012 a wnaed yn rhinwedd yr adran honno, yn cael effaith gydag unrhyw ddiwygiadau angenrheidiol fel pe bai cyfeiriadau at geisiadau am ganiatâd cynllunio yn cynnwys ceisiadau ROMP o dan baragraff 9(1) o Atodlen 13 i Ddeddf 1995 a pharagraff 6(1) o Atodlen 14 i Ddeddf 1995(1); a
- (b) pan nad yr awdurdod cynllunio mwynol perthnasol yw’r awdurdod y mae’n ofynnol iddo gadw’r gofrestr, rhaid i’r awdurdod cynllunio mwynol perthnasol ddarparu’r awdurdod y mae’n ofynnol iddo ei chadw gyda dogfennau a gwybodaeth o’r fath y mae ar yr awdurdod eu hangen i gydymffurfio ag adran 69 o Ddeddf 1990 fel a gymhwysir gan is-baragraff (i), gyda rheoliad 23 fel a gymhwysir gan reoliad 52, a chyda paragraff 7(4) o’r Atodlen hon.

(5) Paragraph (2) does not affect any minerals development carried out under the planning permission before the date of suspension of minerals development.

(6) For the purposes of paragraphs (2) to (5), “minerals development” (“*datblygiad mwynau*”) means development consisting of the winning and working of minerals, or involving the depositing of mineral waste.

Determination of conditions and right of appeal on non-determination

8.—(1) Where it falls to a mineral planning authority to determine a Schedule 1 or a Schedule 2 application, paragraph 2(6)(b) of Schedule 2 to the 1991 Act, paragraph 9(9) of Schedule 13 to the 1995 Act or paragraph 6(8) of Schedule 14 to the 1995 Act does not have effect to treat the authority as having determined the conditions to which any relevant planning permission is to be subject unless either—

- (a) the mineral planning authority has adopted a screening opinion; or
- (b) the Welsh Ministers have made a screening direction to the effect that the ROMP development in question is not EIA development;

(2) Where it falls to a mineral planning authority or the Welsh Ministers to determine a Schedule 1 or a Schedule 2 application—

- (a) section 69 of the 1990 Act (register of applications, etc), and any provisions of the 2012 Order made by virtue of that section, have effect with any necessary amendments as if references to applications for planning permission included ROMP applications under paragraph 9(1) of Schedule 13 to the 1995 Act and paragraph 6(1) of Schedule 14 to the 1995 Act(1); and
- (b) where the relevant mineral planning authority is not the authority required to keep the register, the relevant mineral planning authority must provide the authority required to keep it with such information and documents as that authority requires to comply with section 69 of the 1990 Act as applied by sub-paragraph (i), with regulation 23 as applied by regulation 52, and with paragraph 7(4) of this Schedule.

(1) Mae’r darpariaethau hyn yn gymwys i geiswyr o dan paragraff 2(2) o Atodlen 2 i Ddeddf 1991 fel y cânt eu cymhwyso gan baragraff 9 o Atodlen 2 i Ddeddf 1991.

(1) These provisions apply to applications under paragraph 2(2) of Schedule 2 to the 1991 Act as they are applied by paragraph 9 of Schedule 2 to the 1991 Act.

(3) Pan mai cyfrifoldeb yr awdurdod cynllunio mwynol neu Weinidogion Cymru yw penderfynu ar gais AEA a wnaed o dan baragraff 2(2) o Atodlen 2 i Ddeddf 1991 nid yw paragraff 4(4) o'r Atodlen honno yn gymwys.

(4) Pan mai cyfrifoldeb yr awdurdod cynllunio mwynol yw penderfynu ar gais, rhaid i'r awdurdod roi rhybudd o'i benderfyniad am y cais ROMP o fewn 16 wythnos gan ddechrau â'r dyddiad y cafodd yr awdurdod y cais ROMP neu gyfnod estynedig y cytunir arno'n ysgrifenedig rhwng y ceisydd a'r awdurdod.

(5) At ddibenion paragraff (4), ceir cais ROMP gan awdurdod pan fydd yn cael—

- (a) dogfen y cyfeirir ato gan y ceisydd fel datganiad amgylcheddol at ddibenion y Rheoliadau hyn;
- (b) unrhyw ddogfen ofynnol i gyd-fynd â'r datganiad hwnnw; ac
- (c) unrhyw wybodaeth ychwanegol y mae'r awdurdod wedi hysbysu'r ceisydd y dylai'r datganiad amgylcheddol ei chynnwys.

(6) Pan fo paragraff (1) yn gymwys—

- (a) mae paragraff 5(2) o Atodlen 2 i Ddeddf 1991, paragraff 11(1) o Atodlen 13 i Ddeddf 1995 a pharagraff 9(1) o Atodlen 14 i Ddeddf 1995 (hawl apelio) yn cael effaith fel pe bai hefyd hawl apelio i Weinidogion Cymru pan nad yw'r awdurdod cynllunio mwynol wedi rhoi rhybudd o'i benderfyniad o dan y cais ROMP yn unol â pharagraff (4); a
- (b) paragraff 5(5) o Atodlen 2 i Ddeddf 1991, paragraff 11(2) o Atodlen 13 i Ddeddf 1995 a pharagraff 9(2) o Atodlen 14 i Ddeddf 1995 (hawl apelio) yn cael effaith fel pe baent hefyd yn darparu ar gyfer hawl apelio i gael ei wneud o fewn 6 mis ar ôl i'r 16 wythnos ddod i ben neu gyfnod arall y cytunwyd arno yn unol â pharagraff (4).

(7) Wrth benderfynu at ddibenion—

- (a) paragraffau 2(6)(b) o Atodlen 2 i Ddeddf 1991, 9(9) o Atodlen 13 i Ddeddf 1995 a 6(8) o Atodlen 14 i Ddeddf 1995 (penderfynu ar amodau); neu
- (b) paragraff 5(5) o Atodlen 2 i Ddeddf 1991, paragraff 11(2) o Atodlen 13 i Ddeddf 1995 a pharagraff 9(2) o Atodlen 14 i Ddeddf 1995 (hawl apelio) fel a gymhwysir gan baragraff 8(6)(b) o'r Atodlen hon,

(3) Where it falls to the mineral planning authority or the Welsh Ministers to determine an EIA application made under paragraph 2(2) of Schedule 2 to the 1991 Act, paragraph 4(4) of that Schedule does not apply.

(4) Where it falls to the mineral planning authority to determine an EIA application, the authority must give notice of their determination of the ROMP application within 16 weeks beginning with the date of receipt by the authority of the ROMP application or such extended period as may be agreed in writing between the applicant and the authority.

(5) For the purposes of paragraph (4), a ROMP application is received by the authority when they receive—

- (a) a document referred to by the applicant as an environmental statement for the purposes of these Regulations;
- (b) any documents required to accompany that statement; and
- (c) any additional information which the authority has notified the applicant that the environmental statement should contain.

(6) Where paragraph (1) applies—

- (a) paragraph 5(2) of Schedule 2 to the 1991 Act, paragraph 11(1) of Schedule 13 to the 1995 Act and paragraph 9(1) of Schedule 14 to the 1995 Act (right of appeal) have effect as if there were also a right of appeal to the Welsh Ministers where the mineral planning authority have not given notice of their determination of the ROMP application in accordance with paragraph (4); and
- (b) paragraph 5(5) of Schedule 2 to the 1991 Act, paragraph 11(2) of Schedule 13 to the 1995 Act and paragraph 9(2) of Schedule 14 to the 1995 Act (right of appeal) have effect as if they also provide for notice of appeal to be made within 6 months from the expiry of the 16 week or other period agreed pursuant to paragraph (4).

(7) In determining for the purposes of—

- (a) paragraphs 2(6)(b) of Schedule 2 to the 1991 Act, 9(9) of Schedule 13 to the 1995 Act and 6(8) of Schedule 14 to the 1995 Act (determination of conditions); or
- (b) paragraph 5(5) of Schedule 2 to the 1991 Act, paragraph 11(2) of Schedule 13 to the 1995 Act and paragraph 9(2) of Schedule 14 to the 1995 Act (right of appeal) as applied by paragraph 8(6)(b) of this Schedule,

yr amser sydd wedi mynd heibio heb i'r awdurdod cynllunio mwynol hysbysu'r ceisydd am ei benderfyniad ynglŷn ag achos pan fo'r awdurdod wedi hysbysu ceisydd yn unol â rheoliad 10(1) bod angen cyflwyno datganiad amgylcheddol a bod Gweinidogion Cymru wedi rhoi cyfarwyddyd sgrinio ynghylch y datblygiad ROMP dan sylw ni chaniateir ystyried unrhyw gyfnod cyn y cyflwynwyd y cyfarwyddyd hwnnw.

Cais ROMP gan awdurdod cynllunio mwynol

9.—(1) Pan fo awdurdod cynllunio mwynol yn bwriadu gwneud neu yn gwneud cais ROMP sy'n gais Atodlen 1 neu Atodlen 2 i Weinidogion Cymru o dan reoliad 11 (caniatadau eraill) o'r Rheoliadau Cyffredinol⁽¹⁾, mae'r Rheoliadau hyn yn gymwys i'r cais neu'r cais arfaethedig hwnnw fel y maent yn gymwys i gais ROMP y cyfeiriwyd at Weinidogion Cymru o dan baragraff 7(1) o Atodlen 2 i Ddeddf 1991, paragraff 13(1) o Atodlen 13 i Ddeddf 1995 neu baragraff 8(1) o Atodlen 14 i Ddeddf 1995 (cyfeirio ceisiadau i Weinidogion Cymru) yn ddarostyngedig i'r addasiadau canlynol—

- (a) yn ddarostyngedig i baragraff (2), nid yw rheoliadau 5 i 10, 12, 13, 14, 16 (ac eithrio at ddibenion rheoliadau 19(3) a (4)), 18 a 24(1) yn gymwys;
- (b) yn rheoliad 4 (darpariaethau cyffredinol yn ymwneud â sgrinio), nid yw paragraffau (4) a (10) yn gymwys;
- (c) mae rheoliad 11(2) (cais a atgyfeirir i Weinidogion Cymru heb ddatganiad amgylcheddol), yn gymwys fel pe bai “a rhaid iddynt anfon copi o'r hysbysiad hwnnw i'r awdurdod cynllunio perthnasol” wedi ei hepgor;
- (d) yn rheoliad 15 (gweithdrefn i hwyluso paratoi datganiadau amgylcheddol)—
 - (i) yn is-baragraff (3)(b) yn lle'r geiriau “10(4)(a), neu 11(5) neu 12(6)” darllener “11(5)”;
 - (ii) darllener paragraff (4) fel pe bai “gorff cynllunio perthnasol ac” ac “awdurdod neu'r” wedi eu hepgor;
- (e) yn rheoliad 17(2) (cyhoeddu'rwydd pan fo datganiad amgylcheddol yn cael ei gyflwyno ar ôl y cais cynllunio)—
 - (i) yn is-baragraff (a) darllener fel pe bai “ac enw a chyfeiriad yr awdurdod cynllunio perthnasol” wedi ei hepgor;

the time which has elapsed without the mineral planning authority giving the applicant notice of their determination in a case where the authority have notified an applicant in accordance with regulation 10(1) that the submission of an environmental statement is required and the Welsh Ministers have given a screening direction in relation to the ROMP development in question no account may be taken of any period before the issue of the direction.

ROMP application by a mineral planning authority

9.—(1) Where a mineral planning authority propose to make or makes a ROMP application which is a Schedule 1 or a Schedule 2 application to the Welsh Ministers under regulation 11 (other consents) of the General Regulations⁽¹⁾, these Regulations apply to that application or proposed application as they apply to a ROMP application referred to the Welsh Ministers under paragraph 7(1) of Schedule 2 to the 1991 Act, paragraph 13(1) of Schedule 13 to the 1995 Act or paragraph 8(1) of Schedule 14 to the 1995 Act (reference of applications to the Welsh Ministers) subject to the following modifications—

- (a) subject to paragraph (2), regulations 5 to 10, 12, 13, 14, 16 (except for the purposes of regulations 19(3) and (4)), 18 and 24(1) do not apply;
- (b) in regulation 4 (general provisions relating to screening), paragraphs (4) and (10) do not apply;
- (c) regulation 11(2) (application referred to the Welsh Ministers without an environmental statement), applies as if “and must send a copy of that notification to the relevant planning authority” were omitted;
- (d) in regulation 15 (procedure to facilitate preparation of environmental statements)—
 - (i) in sub-paragraph (3)(b) for the words “10(4)(a), or 11(5) or 12(6)” read “11(5)”;
 - (ii) read paragraph (4) as if “the relevant planning authority and” and “authority or” were omitted;
- (e) in regulation 17(2) (publicity where an environmental statement is submitted after the planning application)—
 - (i) in sub-paragraph (a) read as if “and the name and address of the relevant planning authority” were omitted;

(1) Diwygiwyd rheoliad 11 gan O.S. 1999/1810 ac O.S. 1999/1892.

(1) Regulation 11 was amended by S.I. 1999/1810 and S.I. 1999/1892.

(ii) darllener fel pe bai is-baragraff (b) yn darparu—

“(b) y dyddiad y gwnaed y cais a’i fod wedi ei wneud i Weinidogion Cymru o dan reoliad 11 o’r Rheoliadau Cyffredinol;”
;

(f) darllener rheoliad 19(2) (y weithdrefn pan fo datganiad amgylcheddol yn cael ei gyflwyno i Weinidogion Cymru), fel pe bai “anfon copi i’r awdurdod cynllunio perthnasol” wedi ei heggor;

(g) yn rheoliad 22(3) (gwybodaeth bellach a thystiolaeth mewn cysylltiad â datganiadau amgylcheddol)—

(i) darllener is-baragraff (a) fel pe bai “ac enw a chyfeiriad yr awdurdod cynllunio perthnasol” wedi ei heggor;

(ii) darllener is-baragraff (b) fel pe bai’n darparu—

“(b) y dyddiad y gwnaed y cais a’i fod wedi ei wneud i Weinidogion Cymru o dan reoliad 11 o’r Rheoliadau Cyffredinol;”
; a

(h) rheoliadau 23 (argaeledd, barnau, cyfarwyddyd etc. i’w harchwilio) a 24(2) (dyletswyddau i hysbysu’r cyhoedd a Gweinidogion Cymru am y penderfyniadau terfynol) yn gymwys fel pe bai cyfeiriadau at “awdurdod cynllunio perthnasol” yn gyfeiriadau at awdurdod cynllunio mwynol.

(2) Caiff awdurdod cynllunio mwynol sy’n bwriadu gwneud cais ROMP i Weinidogion Cymru o dan reoliad 11 o’r Rheoliadau Cyffredinol ofyn i Weinidogion Cymru wneud cyfarwyddyd sgrinio, ac mae paragraffau (3) i (6) o reoliad 6 yn gymwys i gais o’r fath fel y maent yn gymwys i gais a wneir yn unol â rheoliad 5(7) ac eithrio fel pe bai ym mharagraff (5) “, hefyd ofyn i’r awdurdod cynllunio perthnasol ddarparu cymaint o wybodaeth ag y gall am unrhyw rai o’r pwyntiau hynny” wedi ei heggor.

(3) Rhaid i gais o dan baragraff (2) gynnwys hefyd—

(a) plan digonol i adnabod y tir;

(b) disgrifiad byr o fath a diben y datblygiad ROMP a’i effeithiau posibl ar yr amgylchedd;
a

(c) unrhyw wybodaeth arall o’r fath y gallai’r awdurdod ddymuno ei darparu neu ei gwneud.

(4) Rhaid i awdurdod sy’n gwneud cais o dan baragraff (10) anfon i Weinidogion Cymru unrhyw wybodaeth ychwanegol y caniateir iddynt ofyn amdani i wneud cyfarwyddyd.

(ii) read as if sub-paragraph (b) provided—

“(b) the date on which the application was made and that it has been made to the Welsh Ministers under regulation 11 of the General Regulations;”;

(f) read regulation 19(2) (procedure where an environmental statement is submitted to the Welsh Ministers), as if “who must send one copy to the relevant planning authority” were omitted;

(g) in regulation 22(3) (further information and evidence in respect of environmental statements)—

(i) read sub-paragraph (a) as if “and the name and address of the relevant planning authority” were omitted;

(ii) read sub-paragraph (b) as if it provided—

“(b) the date on which the application was made and that it has been made to the Welsh Ministers under regulation 11 of the General Regulations;” and

(h) regulations 23 (availability of opinions, directions etc for inspection) and 24(2) (duties to inform the public and the Welsh Ministers of final decisions) apply as if the references to a “relevant planning authority” were references to a mineral planning authority.

(2) A mineral planning authority minded to make a ROMP application to the Welsh Ministers under regulation 11 of the General Regulations may request the Welsh Ministers to make a screening direction, and paragraphs (3) to (6) of regulation 6 apply to such a request as they apply to a request made pursuant to regulation 5(7) except as if in paragraph (5) “, and may request the relevant planning authority to provide such information as they can on any of those points” were omitted.

(3) A request under paragraph (2) must be accompanied by—

(a) a plan sufficient to identify the land;

(b) a brief description of the nature and purpose of the ROMP development and of its possible effects on the environment; and

(c) such other information as the authority may wish to provide or make.

(4) An authority making a request under paragraph (10) must send to the Welsh Ministers any additional information they may request to enable them to make a direction.

Ceisiadau ROMP: dyletswydd i wneud gorchymyn gwahardd ar ôl atal caniatad dros dro am ddwy flynedd

10.—(1) Mae'r rheoliad hwn yn gymwys, mewn perthynas â datblygiad mwynol—

- (a) os yw'r cyfnod o 2 flynedd yn dechrau ar y dyddiad gwahardd wedi mynd heibio, a
- (b) os yw'r camau a nodir ym mharagraff 7(2) heb eu cymryd eto.

(2) Y "dyddiad atal" yw'r dyddiad y mae atal y pŵer i awdurdodi datblygiad mwynol (o fewn ystyr paragraff 7(3)) yn dechrau.

(3) Mae paragraff 3 o Atodlen 9 i Ddeddf 1990 (gwahardd aildechrau gwaith mwynol) (1) yn cael effaith mewn perthynas ag unrhyw ran o safle fel y mae'n cael effaith mewn perthynas â'r safle cyfan.

(4) Mae is-baragraff (1) o'r paragraff hwnnw yn cael effaith fel pe bai "the mineral planning authority may by order" i'r diwedd yn darllen—

"the mineral planning authority—

- (i) must by order prohibit the resumption of the winning and working or the depositing; and
- (ii) may in the order impose, in relation to the site, any such requirement as is specified in sub-paragraph (3)."

(5) Yn is-baragraffau (2)(a) a (b) o'r paragraff hwnnw, rhaid darllen cyfeiriadau at ennill a gweithio neu waddodi fel cyfeiriadau at ennill a gweithio neu waddodi lle nad yw caniatâd wedi ei atal yn unol â pharagraff 7(3).

(6) Mae paragraff 4(7) o Atodlen 9 i Ddeddf 1990 yn cael effaith fel pe bai "have effect" yn darllen "authorise that development".

ROMP applications: duty to make a prohibition order after two years suspension of permission

10.—(1) This regulation applies if, in relation to a minerals development—

- (a) a period of 2 years beginning with the suspension date has expired, and
- (b) the steps specified in paragraph 7(2) have yet to be taken.

(2) The "suspension date" is the date on which the suspension of the power to authorise minerals development (within the meaning of paragraph 7(3)) begins.

(3) Paragraph 3 of Schedule 9 to the 1990 Act (prohibition of resumption of mineral working) (1) has effect in relation to any part of a site as it has effect in relation to the whole site.

(4) Sub-paragraph (1) of that paragraph has effect as if from "the mineral planning authority may by order" to the end read—

"the mineral planning authority—

- (i) must by order prohibit the resumption of the winning and working or the depositing; and
- (ii) may in the order impose, in relation to the site, any such requirement as is specified in sub-paragraph (3)."

(5) In sub-paragraphs (2)(a) and (b) of that paragraph, references to winning and working or depositing are to be read as references to winning and working or depositing for which permission is not suspended by virtue of paragraph 7(3).

(6) Paragraph 4(7) of Schedule 9 to the 1990 Act has effect as if "have effect" read "authorise that development".

(1) Diwygiwyd paragraff 3 gan Ddeddf 1991, Atodlen 1, paragraff 15(6).

(1) Paragraph 3 was amended by the 1991 Act, Schedule 1, paragraph 15(6).

Dirymu offerynau statudol

Statutory instruments revoked

<i>Teitl yr offeryn</i>	<i>Cyfeirnod</i>	<i>Graddau'r dirymu</i>	<i>Title of instrument</i>	<i>Reference</i>	<i>Extent of revocation</i>
Rheoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru a Lloegr) 1999	O.S. 1999/293	Y Rheoliadau cyfan.	The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999	S.I. 1999/293	The whole of the Regulations.
Rheoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru a Lloegr) (Diwygio) 2000	O.S. 2000/2867	Y Rheoliadau cyfan.	The Town and Country Planning (Environmental Impact Assessment) (England and Wales) (Amendment) Regulations 2000	S.I. 2000/2867	The whole of the Regulations.
Rheoliadau Gwastraff Peryglus (Cymru a Lloegr) 2005	O.S. 2005/894	Paragraffau 24 a 25 o Ran 2 o Atodlen 11.	The Hazardous Waste (England and Wales) Regulations 2005	S.I. 2005/894	Paragraphs 24 and 25 of Part 2 of Schedule 11.
Rheoliadau Gwastraff Peryglus (Cymru) 2005	O.S. 2005/1806 (Cy. 138)	Paragraffau 26 a 27 o Ran 2 o Atodlen 11.	The Hazardous Waste (Wales) Regulations 2005	S.I. 2005/1806 (W. 138)	Paragraphs 26 and 27 of Part 2 of Schedule 11.
Gorchymyn Cynllunio Gwlad a Thref (Cymhwysio Is-ddeddfwriaeth i'r Goron) 2006	O.S. 2006/1282	Erthygl 22.	The Town and Country Planning (Application of Subordinate Legislation to the Crown) Order 2006	S.I. 2006/1282	Article 22.
Rheoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Diwygio) (Cymru) 2006	O.S. 2006/3099 (Cy.283)	Y Rheoliadau cyfan.	The Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2006	S.I. 2006/3099 (W. 283)	The whole of the Regulations.

Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Diwygio) (Cymru) 2008	O.S. 2008/2335 (Cy. 198)	Y Rheoliadau cyfan.	The Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2008	S.I. 2008/2335 (W. 198)	The whole of the Regulations.
Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2010	O.S. 2010/675	Paragraff 13 o Ran 2 o Atodlen 26.	The Environmental Permitting (England and Wales) Regulations 2010	S.I. 2010/675	Paragraph 13 of Part 2 of Schedule 26.
Rheoliadau Gwastraff (Cymru a Lloegr) 2011	O.S. 2011/988	Paragraff 11 yn Rhan 2 o Atodlen 4.	The Waste (England and Wales) Regulations 2011	S.I. 2011/988	Paragraph 11 in Part 2 of Schedule 4.
Rheoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) (Diwygio) 2011	O.S. 2011/2043	Paragraff 2 o Ran 2 o Atodlen 2.	The Environmental Permitting (England and Wales) (Amendment) Regulations 2011	S.I. 2011/2043	Paragraph 2 of Part 2 of Schedule 2.
Gorchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013	O.S. 2013/755 (Cy. 90)	Paragraff 79 o Atodlen 4.	The Natural Resources Body for Wales (Functions) Order 2013	S.I. 2013/755 (W. 90)	Paragraph 79 of Schedule 4.

Diwygiadau canlyniadol

Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995

1.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygiad Cyffredinol a Ganiateir) 1995(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 3(10), yn lle “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999”, rhodder “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”.

(3) Ym mharagraffau (10) a (11) o erthygl 3—

- (a) yn lle “regulation 4(7)” rhodder “regulation 4(8)”;
- (b) yn lle “regulation 6(4)” rhodder “regulation 6(6)”;
- (c) ar ôl “the Secretary of State has” ym mhob man lle y digwydd y geiriau hynny, mewnosoder “, or the Welsh Ministers have,”.

Rheoliadau Gwaith Piblinellau Trawsgludo Nwy (Asesu Effeithiau Amgylcheddol) 1999

2.—(1) Mae Rheoliadau Gwaith Piblinellau Trawsgludo Nwy (Asesu Effeithiau Amgylcheddol) 1999(2) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), yn lle’r diffiniad o “the 1999 EIA Regulations” rhodder ““the 2016 EIA Regulations” means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016;”.

(3) Yn rheoliad 4(3)—

- (a) yn lle is-baragraff (b), rhodder “be treated for the purposes of those Regulations as if it were a direction of the Welsh Ministers under regulation 6(6)”;
- (b) yn lle “the 1999 EIA Regulations” (yn y ddau le arall y mae’r geiriau hynny yn digwydd) rhodder “the 2016 EIA Regulations”.

Consequential amendments

The Town and Country Planning (General Permitted Development) Order 1995

1.—(1) The Town and Country Planning (General Permitted Development) Order 1995(1) is amended as follows.

(2) In article 3(10), for “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999”, substitute “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”.

(3) In paragraphs (10) and (11) of article 3—

- (a) for “regulation 4(7)” substitute “regulation 4(8)”;
- (b) for “regulation 6(4)” substitute “regulation 6(6)”;
- (c) after “the Secretary of State has” in each place where those words occur, insert “, or the Welsh Ministers have,”.

The Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999

2.—(1) The Gas Transporter Pipe-line Works (Environmental Impact Assessment) Regulations 1999(2) are amended as follows.

(2) In regulation 2(1), for the definition of “the 1999 EIA Regulations” substitute ““the 2016 EIA Regulations” means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016;”.

(3) In regulation 4(3)—

- (a) for sub-paragraph (b), substitute “be treated for the purposes of those Regulations as if it were a direction of the Welsh Ministers under regulation 6(6)”;
- (b) for “the 1999 EIA Regulations” (at both the other places where those words occur) substitute “the 2016 EIA Regulations”.

(1) O.S. 1995/418 y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
 (2) O.S. 1999/1672.

(1) S.I. 1995/418 to which there are amendments not relevant to these Regulations.
 (2) S.I. 1999/1672.

Rheoliadau Asesu Effeithiau Amgylcheddol (Coedwigaeth) (Cymru a Lloegr) 1999

3.—(1) Mae Rheoliadau Asesu Effeithiau Amgylcheddol (Coedwigaeth) (Cymru a Lloegr) 1999(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1)(c)(ii), yn lle “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;” rhodder “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”.

Rheoliadau Cynllunio (Cyfarwyddiadau Diogelwch Gwladol a Chynrychiolwyr Penodedig) (Cymru) 2006

4.—(1) Mae Rheoliadau Cynllunio (Cyfarwyddiadau Diogelwch Gwladol a Chynrychiolwyr Penodedig) (Cymru) 2006(2) wedi eu diwygio fel a ganlyn.

(2) Yn y diffiniad o “EIA application” yn rheoliad 6(8), yn lle “Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 1999”, rhodder “Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016”.

Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2007

5.—(1) Mae Rheoliadau Asesu'r Effeithiau Amgylcheddol (Amaethyddiaeth) (Cymru) 2007(3) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(2)(b), yn lle “Rheoliadau Cynllunio Gwlad a Thref (Asesu'r Effeithiau Amgylcheddol) (Cymru a Lloegr) 1999 yn gymwys iddo”, rhodder “Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016 yn gymwys iddo”.

Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Adolygiadau Amhenderfynedig o Hen Ganiatadau Mwynau) (Cymru) 2009

6.—(1) Mae Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Adolygiadau Amhenderfynedig o Hen Ganiatadau Mwynau) (Cymru) 2009(4) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1), yn lle “ystyr “Rheoliadau 1999” (“the 1999 Regulations”) yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru a Lloegr) 1999 (O.S.

The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999

3.—(1) The Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999(1) are amended as follows.

(2) In regulation 3(1)(c)(ii), for “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;” substitute “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”.

The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006

4.—(1) The Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006(2) are amended as follows.

(2) In the definition of “EIA application” in regulation 6(8), for “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999”, substitute “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”.

The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007

5.—(1) The Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007(3) are amended as follows.

(2) In regulation 3(2)(b), for “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 apply”, substitute “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 apply”.

The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) 2009

6.—(1) The Town and Country Planning (Environmental Impact Assessment) (Undetermined Reviews of Old Mineral Permissions) (Wales) 2009(4) are amended as follows.

(2) In regulation 2(1), for ““the 1999 Regulations” (“*Rheoliadau 1999*”) means the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (S.I.

(1) O.S. 1999/2228.

(2) O.S. 2006/1387 (Cy. 137).

(3) O.S. 2007/2933 (Cy. 253).

(4) O.S. 2009/3342 (Cy. 293).

(1) S.I. 1999/2228.

(2) S.I. 2006/1387 (W. 137).

(3) S.I. 2007/2933 (W. 253).

(4) S.I. 2009/3342 (W. 293).

1999/293);”, rhodder “ystyr “Rheoliadau 2016” (“*the 2016 Regulations*”) yw Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016;”.

(3) Yn lle rheoliad 52, gan gynnwys ei bennawd, rhodder—

“Rheoliadau 53 a 54 o Reoliadau 2016

52. Mae rheoliadau 53 (datblygiad yng Nghymru sy'n debygol o gael effeithiau sylweddol mewn Gwladwriaeth AEE arall) a 54 (prosiectau mewn Gwladwriaeth AEE arall sy'n debygol o gael effeithiau trawsffiniol sylweddol) o Reoliadau 2016 yn gymwys at ddibenion y Rheoliadau hyn fel y maent yn gymwys at ddibenion Rheoliadau 2016.”

(4) Yn lle “Rheoliadau 1999”, ym mhob man lle y mae'n digwydd, rhodder “Rheoliadau 2016”.

Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) 2011

7.—(1) Mae Rheoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) 2011(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 56, yn lle “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;” rhodder “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016;”.

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygiad) (Cymru) 2012

8.—(1) Mae Gorchymyn 2012(2) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 2(1), yn y diffiniad o “cais AEA”, “datblygiad AEA”, “gwybodaeth amgylcheddol” a “datganiad amgylcheddol”, yn lle “Reoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru a Lloegr) 1999”, rhodder “Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016”.

(3) Yn erthygl 18(2), yn lle “Reoliadau Cynllunio Gwlad a Thref (Asesu Effaith Amgylcheddol) (Cymru a Lloegr) 1999”, rhodder “Reoliadau Cynllunio Gwlad a Thref (Asesu Effeithiau Amgylcheddol) (Cymru) 2016”.

(4) Yn erthygl 27—

(1) O.S. 2011/1824.
(2) O.S. 2012/801 (Cy. 110).

1999/293);”, substitute ““the 2016 Regulations” (“*Rheoliadau 2016*”) means the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016;”.

(3) For regulation 52, including its heading, substitute—

“Regulations 53 and 54 of the 2016 Regulations

52. Regulations 53 (development in Wales likely to have significant effects in another EEA State) and 54 (projects in another EEA State likely to have significant transboundary effects) of the 2016 Regulations apply for the purposes of these Regulations as they apply for the purposes of the 2016 Regulations.”

(4) For “the 1999 Regulations”, wherever it occurs, substitute “the 2016 Regulations”.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

7.—(1) The Town and Country Planning (Environmental Impact Assessment) Regulations 2011(1) are amended as follows.

(2) In regulation 56, for “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999;” substitute “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016;”

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

8.—(1) The 2012 Order(2) is amended as follows.

(2) In article 2(1), in the definition of “EIA application”, “EIA development”, “environmental information” and “environmental statement”, for “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999”, substitute “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”.

(3) In article 18(2), for “the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999”, substitute “the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016”.

(4) In article 27—

(1) S.I. 2011/1824.
(2) S.I. 2012/801 (W. 110).

- (a) ym mharagraff (6)(a), yn lle “a'r datganiad o resymau” rhodder “, y datganiad o resymau ac unrhyw ddatganiad amgylcheddol”;
- (b) ym mharagraff (6)(b)(i) ac (c)(i), yn lle “a'r datganiad o resymau” rhodder “, y datganiad o resymau ac unrhyw ddatganiad amgylcheddol”.

©Hawlfraint y Goron 2016

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

- (a) in paragraph (6)(a), for “and statement of reasons” substitute “, statement of reasons and any environmental statement”;
- (b) in paragraph (6)(b)(i) and (c)(i), for “and the statement of reasons” substitute “, statement of reasons and any environmental statement”.

© Crown copyright 2016

Printed and Published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

